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REPORTS

FROM

COMMITTEES:

SIX VOLUMES.

— *(2.)* —

CONTAGIOUS DISEASES ACT;
DESPATCH OF BUSINESS IN PARLIAMENT;
DINING ROOMS, &c., PLANS FOR NEW;
HOUSE OF COMMONS (ARRANGEMENTS);
KITCHEN AND REFRESHMENT ROOMS (HOUSE OF COMMONS);
MEMBERS HOLDING CONTRACTS (SIR SYDNEY WATERLOW);
PRIVATE BILLS;
RAILWAY AND CANAL BILLS;
REGISTRATION OF VOTERS; SALMON FISHERIES;
WITNESSES (HOUSE OF COMMONS).

Session

10 *December* 1868 —— 11 *August* 1869.

VOL. VII.

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1868-9.

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SECOND VOLUME.

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SPECIAL

REPORT

FROM THE

SELECT COMMITTEE

ON

METROPOLITAN COMMONS ACT (1866) AMENDMENT BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed,*
19 *July* 1869.

Monday, 31*st May* 1869.

Ordered, That the Metropolitan Commons Act (1866) Amendment Bill, be read a second time, and committed to a Select Committee.

Wednesday, 16*th June* 1869.

Select Committee nominated of—

Mr. Knatchbull-Hugessen.	Sir Henry Selwin-Ibbetson.
Mr. Frederick Stanley.	Mr. Charles Reed.
Mr. Bonham-Carter.	Mr. Rowland Winn.
Mr. Knight.	Mr. Henry Samuelson.
Mr. Buxton.	Colonel Barttelot.
Lord George Hamilton.	Mr. Thomas Chambers.
Mr. Andrew Johnston.	

Ordered, That the Committee have power to send for Persons, Papers, and Records.

Ordered, That Five be the Quorum of the Committee.

Thursday, 24*th June* 1869.

Ordered, That the First and Second Reports from the Select Committee on Open Spaces (Metropolis) 1865, and the Report from the Select Committee on Wisley Common, 1869, be referred to the Committee.

Thursday, 1*st July* 1869.

Ordered, That the Suburban Commons Bill be referred to the Committee.

Wednesday, 7*th July* 1869.

Ordered, That Mr. *Cowper* and Mr. *Gerard Sturt* be added to the Committee.

Monday, 19*th July* 1869.

Ordered, That the Committee have leave to make a Special Report, and have power to report the Minutes of Evidence taken before them to the House.

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SPECIAL REPORT.

THE SELECT COMMITTEE to whom the METROPOLITAN COMMONS ACT (1866) AMENDMENT BILL and the SUBURBAN COMMONS BILL were referred;——HAVE agreed to the following SPECIAL REPORT:—

WHILST the evidence taken before your Committee shows that some amendments in the Metropolitan Commons Act (1866) Amendment Bill are desirable, sufficient time has not elapsed since the passing of that Act to enable such a fair judgment of its working to be formed as would justify your Committee in recommending the application of its provisions to a wider area than that to which the Act at present applies.

Considering the larger question involved in the Suburban Commons Bill, your Committee have refrained from taking evidence thereupon, which could not have been satisfactorily concluded during the present Session, and they report the said Bill without amendment to the House.

Your Committee have considered the Metropolitan Commons Act (1866) Amendment Bill, and have amended the same by the omission of the Clause referring to the extension of the area, and in other particulars.

REPORTS.

METROPOLITAN COMMONS ACT (1866) AMENDMENT BILL.

THE SELECT COMMITTEE to whom the METROPOLITAN COMMONS ACT (1866) AMENDMENT BILL was referred, have considered the said Bill, and taken Evidence thereon, which they have agreed to report to the House, and have gone through the Bill, and made Amendments thereunto.

SUBURBAN COMMONS BILL.

THE SELECT COMMITTEE to whom the SUBURBAN COMMONS BILL was referred, have agreed to report the same, without Amendment.

PROCEEDINGS OF THE COMMITTEE.

Thursday, 24*th June* 1869.

MEMBERS PRESENT:

Mr. Bonham-Carter.	Mr. Johnston.
Mr. Stanley.	Mr. Knight.
Mr. Reed.	Colonel Barttelot.
Sir Henry Selwin-Ibbetson.	Lord George Hamilton
Mr. Knatchbull-Hugessen.	Mr. Winn.
Mr. Samuelson.	

Mr. KNATCHBULL-HUGESSEN was called to the Chair.

The Committee deliberated.

[Adjourned till Thursday, 1st July, at Twelve o'clock.

Thursday, 1*st July* 1869.

MEMBERS PRESENT:

Mr. KNATCHBULL-HUGESSEN, afterwards Mr. CHAMBERS, in the Chair.

Sir Henry Selwin-Ibbetson.	Mr. Johnston.
Mr. Chambers.	Mr. Samuelson.
Mr. Winn.	Mr. Stanley.
Mr. Bonham-Carter.	Mr. Reed.
Mr. Buxton.	Mr. Knight.

Motion made, and Question, "That Mr. *Chambers* do take the Chair of the Committee"—(Mr. *Knatchbull-Hugessen*)—put, and *agreed to.*

Mr. CHAMBERS took the Chair.

Mr. *George Ridley* and Mr. *Benjamin Scott* were severally examined.

[Adjourned till Monday next, at Twelve o'clock.

Monday, 5*th July* 1869.

MEMBERS PRESENT:

Mr. CHAMBERS in the Chair.

Mr. Knight.	Mr. Buxton.
Mr. Johnston.	Lord George Hamilton.
Mr. Samuelson.	Colonel Barttelot.
Mr. Bonham-Carter.	Mr. Stanley.
Mr. Winn.	

Mr. *Benjamin Scott* further examined; Mr. *William Wyke Smith* examined.

[Adjourned till Thursday next, at Twelve o'clock.

Thursday, 8*th July* 1869.

MEMBERS PRESENT:

Mr. CHAMBERS in the Chair.

Mr. Reed.	Mr. Samuelson.
Mr. Johnston.	Mr. Winn.
Mr. Bonham-Carter.	Colonel Barttelot.
Mr. Knatchbull-Hugessen.	Mr. Knight.
Mr. Cowper.	Sir Henry Selwin-Ibbetson.

Mr. *P. H. Lawrence* examined.

[Adjourned till Monday next, at Twelve o'clock.

Monday, 12*th July* 1869.

MEMBERS PRESENT:

Mr. KNATCHBULL-HUGESSEN in the Chair.

Mr. Reed	Sir Henry Selwin-Ibbetson.
Mr. Johnston.	Mr. Cowper.
Colonel Barttelot.	Mr. Stanley.
Mr. Bonham-Carter.	Lord George Hamilton.
Mr. Winn.	

Mr. *R. Cecil Austin*, Mr. *James Bell*, Mr. *William Worsfold*, Mr. *Henry Marshall*, and Mr. *Samuel Smith*, were severally examined.

[Adjourned till Thursday next, at Twelve o'clock.

Thursday, 15*th July* 1869.

MEMBERS PRESENT:

Mr. COWPER in the Chair.

Mr. Sturt.	Mr. Winn.
Mr. Johnston.	Colonel Barttelot.
Mr. Bonham-Carter.	Mr. Stanley.
Mr. Knatchbull-Hugessen.	Mr. Buxton.
Mr. Knight.	Lord George Hamilton.

Mr. *Richard Ellis* examined.

The Committee deliberated.

METROPOLITAN COMMONS ACT (1866) AMENDMENT BILL.

Preamble *postponed.*

Clause 1 *agreed to.*

Clause 2 amended, and *agreed to.*

Clause 3 *disagreed to.*

[Adjourned till Monday next, at Three o'clock.

Monday, 19*th July* 1869.

MEMBERS PRESENT:

Mr. COWPER in the Chair.

Colonel Barttelot.	Mr. Samuelson.
Mr. Knatchbull-Hugessen.	Lord George Hamilton.
Sir H. Selwin-Ibbetson.	Mr. Winn.
Mr. Johnston.	Mr. Knight.
Mr. Bonham-Carter.	

METROPOLITAN COMMONS ACT (1866) AMENDMENT BILL.

New Clause: "A scheme may be made, under the principal Act, on a memorial in that behalf presented to the Commissioners by any six or more ratepayers or inhabitants of the parish or district in or near to which the common is situate, or of the Metropolis, as well as by any such person, persons, or body, as is or are described in Section 6 of the principal Act"—(Mr. *Johnston*), brought up, and read the first time, read a second time, and amended.

Question put, That the Clause, as amended, be added to the Bill.—The Committee divided.

Ayes, 5.	Noes, 4.
Mr. Bonham-Carter.	Colonel Barttelot.
Lord George Hamilton.	Sir Henry Selwin-Ibbetson.
Mr. Knatchbull-Hugessen.	Mr. Knight.
Mr. Johnston.	Mr. Winn.
Mr. Samuelson.	

Preamble *agreed to.*

Ordered, To report, together with the Minutes of Evidence.

Motion made, and Question, "That the Chairman be directed to move the House for leave to make a Special Report"—(Mr. *Knatchbull-Hugessen*)—put, and *agreed to.*

SPECIAL REPORT proposed by Mr. *Knatchbull-Hugessen*, read a first and second time, amended, and *agreed to.*

Ordered, To Report.

SUBURBAN COMMONS BILL.

Ordered, To report the Bill, without Amendment.

MINUTES OF EVIDENCE.

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MINUTES OF EVIDENCE.

Thursday, 1*st July* 1869.

MEMBERS PRESENT:

Mr. Bonham-Carter.
Mr. Buxton.
Mr. Thomas Chambers.
Mr. Andrew Johnston.
Mr. Knatchbull-Hugessen.
Mr. Knight.
Mr. Charles Reed.
Mr. Henry Samuelson.
Mr. Henry Selwyn-Ibbetson.
Mr. Frederick Stanley.
Mr. Rowland Winn.

THOMAS CHAMBERS, Esq., in the Chair.

Mr. George Ridley, called in; and Examined.

Mr. *G. Ridley.*
1 July 1869.

1. *Chairman.*] What office do you fill?—I am one of the Copyhold Inclosure and Tithes Commissioners.

2. You have been for some time in that office, have you not?—I was appointed in 1860.

3. Are you familiar with the operation of this Act of 1866?—We have the administration of that Act, and I can describe what has taken place under it, which is very little at present; we have had, in fact, only seven applications altogether under that Act, and one of those was an application made to us under a Private Bill for the city of Norwich, into which were incorporated the provisions of the Metropolitan Commons Act, 1866, for the purpose of enabling them to deal with some lands in the neighbourhood of Norwich, about which there were, I believe, great disputes.

4. How could that be an application under this Act?—It was a local Act incorporating the provisions of that Act; it never proceeded any further after a few letters and correspondence; there were great disputes between the parties. The only scheme which we have sent in to Parliament, under the Act of 1866, at present, is one relating to Hayes' Common, and that, I believe, has now received the Royal Assent.

5. Do you attribute the fewness of these applications to any defect in the provisions of that Act?—I do not know that I should attribute the fewness of the applications to that cause; but certainly I should say that when we come to administer that Act with reference to these schemes, we find that the machinery provided is deficient.

6. Have you formed any opinion as to the changes which could be desirable in the provisions of this Act of 1866?—I think that the machinery provided for the Commissioners is deficient in these ways. In the first place, I think that it is extremely desirable that when we come to entertain an application under that Act, it should be remitted to us to ascertain, and that we should have power at once to ascertain the boundaries of the lands proposed to be dealt with, whether there is any dispute or whether there is not. I think that upon a map being sent in to us we should, after we have decided to entertain the application, and have made up our minds that a draft scheme should be prepared, have power at once to go, as has been done in the case of Disafforesting Acts, and ascertain the boundaries. For that purpose we should, of course, have power given to us to enter upon the lands, and to order a survey to be made, and the parties who applied to us would have to bear the expense of all that.

7. In that respect your power is defective at present?—Yes; there is no reference in the Act of 1866 to any such power as that. The power which we have under the General Inclosure Act relating to boundaries is, where a dispute arises between the boundaries of adjacent manors and parishes and hamlets; but there we do not interfere until a dispute has arisen, and it is represented by the valuer. I think that in the case of the metropolitan commons, assuming that this Act is to be the method of proceeding with them, we ought to have power at once to define and lay down the boundaries of the commons, subject of course to some appeal, if any parties felt themselves aggrieved, or if any public interests were overlooked.

8. If no dispute arises with reference to the boundary, is it not right to assume that there is an ascertained and agreed boundary?—To a certain extent it is no doubt so, and perhaps it might be said that what I have suggested should only be done where we thought it right to do so; but

Mr. *G. Ridley.*

1 July 1869.

in some cases there are little edges of land, an irregular bit here, and an irregular bit there, and the question is whether they are part and parcel of the large tract to be dealt with, or not. I think that in some of those cases it would be right that we should have the power of ascertaining the boundaries as a fact, if we thought it proper to do so, and therefore, of course, we ought to be able to enter the lands. The Metropolitan Commons Act of 1866 has not incorporated the powers of inquiry which we have under the Inclosure Acts, and they are somewhat different; and as our duties and powers are all statutory we hold that we cannot exercise, under the Metropolitan Commons Act, the powers which we have of making regulations and determinations under the General Inclosure Acts. For instance, under the Metropolitan Commons Act we have no power to summon witnesses, or to call for public records, or public documents, court rolls, and such other things as we have power to call for under the Inclosure Acts. Our powers, which are exercised either by ourselves or by the Assistant Commissioner whom we send to make an inquiry under the Act of 1866, are only to examine such people as may offer to give evidence, as you will see if you refer to section 11 of the Act of 1866. We considered that point, and our assistant commissioner who holds these meetings, and is very well acquainted with the law, has decidedly held (and we have agreed with him) that he cannot summon anybody. He cannot call for court rolls, and he cannot conduct so efficient an inquiry under that Act as he can do under the General Inclosure Acts. I therefore think that in that respect the Act is deficient. I also think that it would be very advantageous to take the opportunity of ascertaining what people have rights of common over these lands. There is no power under the Act for us to do it, and to determine it, as we do under the Inclosure Acts. I refer to claims of rights of common. We are directed to frame a scheme, and to state in the scheme what rights claimed by any person, or class of persons, are affected by the scheme, and in what manner, and to what extent, they are affected thereby. Now, it is extremely difficult for us to be able to ascertain that, and to state it with accuracy, as was, of course, intended, unless we have power to call the people before us, and to ascertain from them what claims they have, in the same way as we do now with ordinary inclosures. I can only refer to the lord of the manor, or to any commoners, the names and residences of whom I may be able to ascertain, and say, "What right do you claim"? But the number of people who claim, and the nature of their right, is a thing which is altogether beyond our power.

9. Mr. *Winn.*] Then, how do you practically ascertain it?—Practically we have ascertained it in this way: where we have passed a scheme we have taken what the parties have stated, and the assistant commissioner, when he has held his inquiry, has taken what evidence he could as to what rights were claimed.

10. In the same way as he would in an ordinary inclosure?—He has taken the best evidence that he could get, but we have not ascertained all the claims, and we do not under this Act make a determination upon claims, which is what we do under the Inclosure Act, and yet we are required to state what rights are claimed, and the nature, and the extent to which they are affected by the scheme, and I always feel that there is very considerable difficulty in endeavouring to put that down with proper accuracy in the scheme unless we have further power to make inquiry.

11. *Chairman.*] But would you not think that a statutory power to inquire upon certain points, and to receive evidence and information, would give you all the necessary power to investigate?—No, I do not think that it does; it does not give power to summon witnesses and to enforce the production of documents.

12. The words are that you are "to take and receive any evidence and information offered" to you?—Yes.

13. You would propose that all the powers which you have incidental to any inquiry under the general Acts should be given to you for the purpose of this inquiry, under the Metropolis Commons Act?—Just so, so far as regards ascertaining the rights of parties and determining them, and being able to summon witnesses and to call for court rolls; such a power as is provided in the Inclosure Acts.

14. Is there any other suggestion which you desire to make?—There are some two or three points, of which I have made a note. One point arises in this way: we hold, upon the construction of this Act of Parliament of 1866, that it applies only to lands which are waste of a manor; that is under the 3rd section of the Act, namely, the interpretation clause. We do not think that it applies to lammas lands, or half-year lands.

15. In your judgment is it desirable that the interpretation should be enlarged?—I think that perhaps the interpretation should be made more clear and specific. If it is decided by Parliament to enlarge the lands which are to be dealt with under this Act, I think that it should be stated specifically. At present we hold that it applies only to the waste of manors, and certainly my own opinion is that it ought not to apply to half-year lands.

16. Mr. *Winn.*] What do you call half-year lands?—I mean by half-year lands, lammas and shack lands.

17. *Chairman.*] Lands which at particular times are subject to the rights of a certain portion of the public, and at other times are held in severalty?—Yes; the distinction between the two is, that lammas land is open arable or meadow land.

18. Mr. *Winn.*] That is to say, what in many cases is called open field land?—Yes; for six or, perhaps in some cases, eight months in the year, the lands may be shut up; after a certain date they are thrown open, after the crops are gathered, and there are rights of common for the remainder of the year belonging to people in lammas lands, other than those who own the right in severalty; in the case of shack lands, I believe that the distinction is, that the rights of common only then belong to those persons who are owners of them in severalty, and not to other people at all.

19. *Chairman.*] It is proposed in the Bill which is referred to this Committee, to enlarge the interpretation of the word "common," by introducing the following words: "And any open space which has been enjoyed or frequented by the public for not less than 20 years before the passing of this Act"; in your judgment, would the addition of those words include the lands to which you have just been referring?—No, certainly not.

20. As I understand, the Commissioners interpreting

preting the Act of 1866, hold that it does not include the lands which you have been describing?—It does not in our judgment.

21. And that being the practical interpretation given to the Act, do you think that it would be necessary in any respect to amend the interpretation of that Act in any other particular than the one to which I have alluded?—Yes, if you intend to include lands of the description to which I am referring, and I certainly do not think that the terms of the Bill which is now before the Committee would include those lands.

22. Then in your judgment it would not be expedient that the provisions of any such measure as this should apply to such lands?—I really think not, because they are held in severalty for a large portion of the year. These words in this Bill would, I think, put under the Metropolitan Commons Act lands which are not intended or were ever contemplated to be put under it, such as Hyde Park and Regent's Park, or other places enjoyed or frequented by the public for not less than 20 years before the passing of the Act; it appears to me that it would subject those lands to having a scheme applied to them.

23. The public parks to which you have been alluding, you think would be affected by this definition?—Yes; though they are Royal parks, they have been enjoyed and frequented by the public, it is true under a license from the Crown, but they are open spaces which have been enjoyed or frequented by the public for more than 20 years.

24. Do you think that any practical inconvenience could arise from the circumstance that the definition was wide enough to include such places?—No; practically it would not have that effect, the words would carry it, but I do not think that they would carry the lammas lands, or the half-year's lands.

25. Is there any other amendment of the Act of 1866 which you can suggest?—Yes; referring to the point which I have mentioned, that in our judgment the interpretation clause of the Act of 1866 applies only to waste of a manor, I think that we ought to have the power of being able to ascertain upon inquiry, on application made to us, whether these lands are waste of a manor, or are not; in some cases we should have a difficulty or doubt about it; a part may be waste of a manor, and a part may not be waste of a manor, and I think that in that case it is desirable that we should be cautious, and not attempt to deal with lands which are not in reality meant to be within our jurisdiction; I do not remember at the present moment any other deficiences in the powers of that Act; I should think that probably the powers which I have been recommending might be embodied in two or three clauses.

26. Then, as I understand, the amendments which you suggest are amendments of your powers as a tribunal of inquiry?—Quite so. I have had a map prepared in the Survey Department of the Inclosure Office, for the use of this Committee; it is rather a large affair, but I will explain what it is. This map has been drawn to show the 5-miles radius, the 10-miles radius, the 15-miles radius, the 20-miles radius, and the 25-miles radius.

27. Mr. *Knatchbull-Hugessen.*] Can you compare that with the metropolitan police district?—The metropolitan police district on this map is marked green.

28. *Chairman.*] The circular lines represent the distances which you have mentioned?—Yes. The parts of the map marked red are the open commons and spaces mentioned in the Return made to the Order of the House in 1865. Upon marking those upon this map, it struck the person who did it that there were on this map great portions of land marked as common which were not referred to in that Return; therefore, in order to make it a little more perfect (I do not know how the inaccuracy may have occurred), we proceeded to mark in the blue colour the portions of land which we found marked on the map as common, and, as far as we have had time to do it, we have tested the accuracy of what we have done by reference to the tithe map and apportionments. We have not had time to do it entirely, but as far as we have tested the blue colour, we have found that those are open spaces, waste of a manor. The parts coloured green are the existing parks, Richmond, Greenwich, and Windsor, and such like Royal parks. If the Committee should wish anything further to be tested as respects the lands marked blue, of course it can be done on a future day.

Mr. *G. Ridley.*
1 July 1869.

29. Is there any distinction between the character of the lands coloured red, and of those coloured blue, or are they of the same class and description?—As far as we know, we only intended to mark lands which were waste of a manor.

30. Some are marked red, and some are marked blue; the blue are those which were not included in the return of 1865; is there any distinction between the class of lands marked blue, and those marked red?—We believe them to be the same.

31. How is it that those which are marked blue, were omitted from that Return?—I am unable to say.

32. All those lands ought, in conformity with the Order of Parliament, to have been returned?—Yes; we do not at all intend to dispute, or to account for what is left out in the Return, which was moved for by Mr. Locke in 1865. I suppose that it was made out by the Ordnance Survey Department. I see that it is dated from the War Office; very likely they took it from the parish maps, and were not able to ascertain the whole at that time, and gave the best information which they could. We finding on the Ordnance map when we looked at it, other lands marked as common, for instance, one common which I happen to know, called Cobham Common, which is certainly not inclosed, and not finding it in the return, said that there might be others, and we proceeded as far as we could to supplement it on that map.

33. Probably they returned what they were certain about, and what they were not certain about they did not return?—I think that there very likely was some feeling of that kind.

34. Have you any other observations to make with regard to that map?—The area of land, coloured pink on the map which I have shown, includes 38,459 acres; that is the amount taken from the Return. Those parts marked blue, contain a computed area of 13,000 acres.

35. Over what extent of surface are they scattered; have you ascertained the number of square miles?—The calculation has been made, that within the 25-miles radius, there are comprised 1,256,320 acres.

Mr. *G. Ridley.*

1 July 1869.

36. Does that include the area to which you alluded when you mentioned the former items of 38,459 acres, and 13,000 acres?—Yes; they are dispersed over that area. Therefore it shows, that out of the 1,256,320 acres, there is one-twentyfifth part of the entirety uninclosed, namely, one acre in 25; or (to go, perhaps, a little closer), if you take out of that area the land built upon and covered with houses in London and other places, it will be one acre in 20 to 23. I believe that to be as close as it can be given.

37. I assume that that area which you have mentioned includes the whole of Epping Forest, or very nearly the whole of it?—It certainly includes a very large portion of it, if not all; I will point out Epping Forest. Most of this land still unenclosed within the 25-miles radius is in the southern and western portions. This is Epping Forest (*pointing to the map*).

38. Of those commons which are marked are there any with reference to which applications have been made under the Metropolis Commons Act?—An application was made in the case of Wimbledon Common to deal with it under a scheme. In the case of Wimbledon Common, when we inquired into it, we found that there was a very great litigation; there was a bill filed in the Court of Chancery, and there was an answer to that bill, and upon being furnished with a copy of the answer to that bill, we considered that Lord Spencer, so far as his claims were concerned, denied that there now exists a right of common at all. Therefore, if it was the fact that there was no right of common, it was not a thing within our jurdisdiction, and as the matter was the subject of a suit in Chancery, and as a bill was filed and the answer delivered, we consider that we were not justified in proceeding further in the matter. It was before a court of law which was competent to determine the question whether there was a right of common or not.

39. Supposing that the amended words proposed in this Bill were adopted, it would give you jurisdiction over such a space as that; the words are, "And any open space which has been enjoyed or frequented by the public for not less than 20 years"?—It might be enjoyed or frequented by license.

40. How would the Commissioners, having to carry out this Bill, supposing that it were an Act of Parliament, interpret that?—We should be puzzled to do so.

41. So long as there was pending litigation, of course the Commissioners would not think it right to proceed?—No, because the Act says, "land over which there is any right of common."

42. That is not the amended interpretation?—No, but the Act of 1866 says so.

43. Supposing that the suggestion in this Bill had the sanction of the Legislature and that the interpretation were amended by adding the words which I have read to you, would you then consider that over such spaces as that the Commissioners would have authority?—I should be unwilling to decide positively, and to give an off-hand opinion upon an Act of Parliament in a hurry.

44. There might be cases in which you might consider it doubtful?—Yes; I think that the words in the Bill are not sufficiently explicit, they are open, I think, to several interpretations.

45. Take the case of an Inclosure Act, which was passed in the year 1800, and assume that from that time to this there has been no actual inclosure, and that the public have had the same rights, whatever they are, over the land in question since 1800 as they had before, the land would fall within such a description as this: "any open space which has been enjoyed or frequented by the public for not less than 20 years"?—Yes; but that land would have been enjoyed and frequented by the public, not as exercising a legal right, but merely by going over it; it is a permissive right, or used adversely to the owner of the soil.

46. The definition does not propose to touch the question of the nature of the right, but only to describe the fact that the public have enjoyed and frequented such spaces?—Yes; without any consideration whatever as to whether that fact has any validity in respect of legal right.

47. But treating that fact as so significant as to warrant the legislature in giving the protection which the Metropolis Commons Act gave to other commons?—It is possible that upon those words we might hold that Wimbledon Common might be within our jurisdiction, but I do not think that it would be so long as the litigation was going on.

48. I suppose that any scheme suggested with reference to such lands would be capable of being opposed in the usual way in the courts of law, by raising the question as to whether this Bill, supposing that it became an Act of Parliament, would apply?—Yes; the question of our jurisdiction in entertainining the application originally might be raised by an injunction in the Court of Chancery, prohibiting us from proceeding. The question of our jurisdiction in a particular case is now raised before the Court of Queen's Bench, in which case we have a mandamus moved against us to compel us to go on with the inclosure; it is a case in which a dispute has arisen as to the ownership of the soil.

49. So that no wrong could be done to parties without the usual remedy being available?—I do not see how a wrong would be done in that way; of course the parties could stop us by application to the Court of Chancery for an injunction.

50. Have you formed any opinion as to whether it is expedient or not, to enlarge the radius mentioned in the Act of 1866, considering the increase of the metropolis?—In my humble opinion, it is not expedient to enlarge that area, and in my humble opinion also, the method of dealing with the open spaces near the metropolis under the Act of 1866, is not the best way of dealing with them.

51. Do you desire to suggest any alternative scheme?—I would rather suggest another course of proceeding; in the first place, I quite admit that it is extremely desirable that near the metropolis, spaces should be left open for exercise and recreation, and also for fresh air to blow upon the metropolis; but I must remember at the same time, that these lands which are wastes of a manor, are all private property. Sitting as a Commissioner, I cannot do otherwise than hold that, for the law says that they are so.

52. Considering that the Act provides for the compensation of all persons who may be deprived of rights under the Act, do you think that that is material to the inquiry, where you provide a compensation?—I think so, where these lands are private property.

53. And

53. And yet, notwithstanding that the Act provides that they shall be compensated for any rights of which they may be deprived?—I know that clause perfectly well, but I do not think that it is the best way of dealing with these commons. There is no doubt that certain of them should be kept open. I presume that the object of this Bill is not only to keep open spaces for the refreshment of air, so that in the immediate outskirts of the metropolis the ground shall not be over-crowded; but also that there shall be a space for exercise and recreation. I think that the better way would have been to make a selection of all those commons which are immediately near to the metropolis, and which are within such a distance of the metropolis, as that they can be easily reached by any men, particularly the working classes, by whom they are most wanted, upon any day or any half-day, on which such a man is able to go and enjoy himself, and wants fresh air and exercise. The Metropolitan Board of Works perhaps might do so. Let them give notice to the lord of the manor, and to the commoners in some way, that it is their intention to apply for leave to take those lands for public objects, and in a public point of view as to health; and then I would rather let them apply under an Act of Parliament, which would order us to receive the application and to make the inquiries, and to ascertain the rights and to consider the terms for compensating the lord of the manor and the common-right owners; and I would have all that drawn up in a Provisional Order (which is the ordinary term), and that Provisional Order having been submitted to the proper parties, and a proper amount of assents having been received, it should be laid before Parliament for confirmation.

54. Do you not think that, considering the present facility of railway accommodation, a radius of 25 miles satisfies your opinion of nearness to the metropolis for practical purposes?—No; in my opinion that is not so. I think that, as a principle, you want such a space as the people who work in the neighbourhood of the metropolis can reach on any day or any half-day on which they can go out, at a very little expense. A 25-miles radius may be very useful, and very agreeable upon certain great holidays, but I do not think that that radius is required for exercise and recreation for the metropolis, taking it all the year round.

55. Mr. *Winn.*] You think that that radius is larger than is necessary?—Yes.

56. *Chairman.*] You would not adopt the principle of a radius at all, but you would specify certain commons?—Yes; and I would then provide a machinery by which the rights of people having been ascertained, they should be compensated. That compensation could be given either in the shape of a small allotment to the lord, or you might give him a rent-charge, and so with the commoners. The reason why I make that suggestion is that I think that it is a far better way of dealing with these matters than the present system, which I think is unsatisfactory and inconclusive. There is nothing to say that these schemes, even when confirmed by Parliament, are to be prohibitory of parties doing other things with their land; and yet, if they proceeded to do them, it might be a subject of great litigation; parties objecting might put in a scheme confirmed by Parliament, and say, "Parliament has decreed that this shall be done with the land." I should ask "What are you going to do; are you going to dig away the soil and to remove the trees, and so on"? The lord would be exercising his right, and then you have an unsatisfactory and unsettled state of things.

57. Has any practical illustration of that remark arisen?—No; the only scheme which we have recommended to Parliament is one which merely received the Royal assent a few days ago, and therefore nothing whatever has been done with it.

58. Assuming that under the "Metropolitan Commons Act," the commons within the enlarged radius would be protected under the 5th clause, who would be wronged; that clause merely prevents the Inclosure Commissioners from interfering in the scheme for inclosure; things would be left in *statu quo*?—Quite so; but the lord has certain rights of soil, and if he is owner in fee, and is able to get the assent of the other people who have rights of common over the land, he can inclose without coming to Parliament. It is very seldom that that occurs, and by reason of the difference of the interests in the parties who own the rights, and who own the soil over which there are these rights, it is necessary to apply to Parliament for the inclosure; they are not *sui juris.* The honorable Chairman asked me a question with reference to the grounds of objection, and whether I thought it objectionable to extend this provision to a 25-miles radius. There are other grounds irrespective altogether of the question of the private right to these lands, which I think are deserving of very serious consideration. These lands may be required for various reasons, some perhaps for building, some perhaps for planting; it is possible that a great many may be required for sanitary purposes. I know a case in Epping Forest where land is required for sanitary purposes, and compulsory sanitary purposes.

59. How would the enlargement of the radius affect such a question as that, because Parliament must give its sanction?—I am going to explain that. In that particular case they will have to expend a very large sum of money for the supply of water, and for sanitary purposes and sewerage; it is a small town, they will have to provide this money, and to pay it out of their rates. They say, "There are certain waste lands of the manor, and if they are dealt with we shall be able to effect this great improvement, and we shall have something to pay it with, but otherwise we shall have a very large increase thrown upon our rates, and we shall not be able to improve the land in our immediate neighbourhood which would enable us to pay for it."

60. But any such scheme must require the sanction of Parliament?—No doubt.

61. And requiring the sanction of Parliament, of course, any enlargement of the Act of 1866 would not stand in the way?—I do not know about that; we should be able at this moment to entertain, *qua* the extent of our jurisdiction, an application for the inclosure of the land of which I am speaking. I do not know that under the Inclosure Act we should be able to carry out all the objects of that scheme, but we should be able to carry out some of them.

62. You could go a certain distance in favour of the projectors of any such scheme, but their scheme in the entirety could not be carried out without the sanction of the Legislature?—Yes, the particular scheme I think would in some particulars be beyond the Inclosure Act. I would further

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further remark that we know, as a fact, the very large increase of expense which is now yearly put upon the rates and taxes for all parochial purposes; they are very much increasing, perhaps more in the metropolis and the metropolitan counties than in any other part of the kingdom. All those rates and taxes fall upon the land, either upon the owners, or upon the occupiers, and when you put that increase upon them, are they not entitled to say, "Allow us to enlarge the depth and the length of our purses by increasing the value of our land."

63. You would enrich the landowner in order to meet the burthen of the rates?—Is there anything unfair in that?

64. Is not a very small rate comprehended within this Act of Parliament, so long as the lands remain open; and supposing the lands to be inclosed, are not the rates increased?—Yes, if they are inclosed and dealt with, they then become assessed and rated at the value of the inclosed lands, and that would amount to a very considerable sum of money, because the rating of uninclosed lands is very small indeed; I think that in a public sense that is rather an argument against extending this radius of 25 miles. I have a return of the increase of rates in the metropolitan counties; I have taken it from the last Report of the Poor Law Board; I find that in Surrey, extra metropolitan, the rates increased in the year 1867 over the year 1866 14 per cent.; it goes generally under the name of the poor rate, but under that rate there are county rates, and rates for police and roads.

65. Such as are chargeable upon the same property as the poor rate?—Yes.

66. Mr. *Reed.*] At what date was the reassessment?—That I am unable to say. In Middlesex, extra metropolitan, the increase in 1867 over 1866 was 9 per cent; in Kent, extra metropolitan, it was 6 per cent; in Essex, extra metropolitan, it was 10 per cent.; in the county of Hertford it appeared to be 4 per cent. You have a large increase of these rates which are charged upon land. Surely it is not very unfair for the landowners, many of whom have to pay these rates quite compulsorily, to say "There are new things required, these rates are all right, but do not impede us in increasing the value of that out of which we have to pay these increased rates."

67. *Chairman.*] In the present state of the law the lord is able to inclose without the consent of Parliament?—That only arises, in most cases, from the nature of his interests. Practically, there are few cases where the lord of the manor is the owner of the fee, and all the rest of the parties consent.

68. But they will be able to inclose by coming to Parliament, even if this Bill should enlarge the radius?—They will be able to do it by applying for a private Act of Parliament.

69. They are not excluded from the right to inclose; but they would be entitled to inclose with the sanction of the Legislature now?—Yes; but they must proceed by a private Bill.

70. And not under the General Inclosure Act?—And not under the General Inclosure Act.

71. Is there any other observation which you desire to make to the Committee?—I would make this further remark, namely, that however desirable it may, and in my opinion it is, to keep near the metropolis certain spaces open for the purposes required, there are other views very strongly expressed by other parties, that not only should the Legislature facilitate the inclosure of all waste lands, that is to say, dividing and allotting in severalty, but those parties hold that the Legislature ought rather to make it compulsory. I have seen that argument very strongly urged; I mention that before the Committee to show that there are other parties, perhaps not immediately belonging to the metropolis (though I have read these cases in metropolitan papers), who entertain that opinion very strongly.

72. You are possibly sufficiently acquainted with the Inclosure Acts to know that while the policy of the Legislature in the earlier Acts was in favour of inclosure upon the grounds set forth in the preambles of the statutes, yet the Legislature is now taking a different view of that question, especially in the neighbourhood of large towns?—Yes; I am quite aware of the opinion of the Legislature, and that in former days a great many people would have gone in very strongly for compulsory inclosure, and I am perfectly aware that there is now an alteration of the policy, or of the particular method of dealing with that subject. There is another ground which I think is worthy of consideration, namely, that if you do not inclose any of these lands at all you are keeping out of the land market all this number of acres of land, and which can never come into the market to be sold or to be used for any purpose at all. It is true that if I am the lord of the manor I can sell my estate and the waste of that manor to anybody else who is willing to buy it if I have the power to sell, but that waste of the manor can never be sold, except in a lump, and therefore these 50,000 acres, or whatever their extent is, are excluded from the market.

73. It is obvious that the very intention of this Bill is to keep open these spaces?—Yes; no doubt the object of the Legislature in providing this legislation is for a great public purpose; but there are other public purposes for which you require lands to be taken, and you at once proceed to compensate the people for what you take from them. If it is necessary to take a man's land for a railway, or a hospital, or a county lunatic asylum, or anything else, he is obliged to give it up.

74. Has it ever occurred to you that, whilst the prohibition from inclosing land may, in some cases, be a hardship upon the lord of the manor, the fact of the inclosure may, in certain cases, be a serious detriment to the neighbouring proprietors, and that the argument is not all on one side?—I dare say that it is not, but there is also this consideration, that the non-inclosure of these lands will give a very greatly increased value to the old inclosed lands in the neighbourhood at the expense of the owner of the uninclosed.

75. Mr. *Knatchbull-Hugessen.*] In the case of these schemes, I think that you do nothing until you are set in motion by a memorial from the locality?—Nothing.

76. You have stated that you wish for more power to ascertain boundaries; is clause 7 of the Act of 1866 insufficient for you, which provides that, "On the presentation of any memorial under this Act the Commissioners (if, on consideration of the memorial, they think fit) may make such examination and inquiry as they think necessary or proper in relation to the subject-matter of the memorial"?—We may make an inquiry, but we have no power so to conduct that inquiry

inquiry as to lead us to such certainty or accuracy as may be necessary; I cannot, under this Act, summon people or call for records or documents.

77. Then all that you require is the power to summon parties and to call for documents?—Yes, such as we have under the General Inclosure Act.

78. You mentioned seven schemes as having come to you under the Act of 1866?—Yes.

79. Have the reports in those seven cases been presented to Parliament or not?—No, we have only proceeded with one case, and the report in that case has been presented to Parliament.

80. Have you that scheme, and your report upon it, with you?—Yes.

81. Have you any objection to putting it in?—No. (*The Witness handed in the same.*)

82. Under the 21st section of the Act of 1866, do you, in your annual report, set forth the grounds of your approval of the scheme, and the objections which have been made, and so on, more fully than you do under the General Inclosure Act?—That report, which is the only one that we have made, is very full indeed.

83. The Act of 1866 requires you to make fuller reports than you are required to do under the General Inclosure Act?—We have done so in that case.

84. Have you calculated the extent of uninclosed lands, or of lands which would be subject to the operation of this Act, between the metropolitan district which is now subject to the Act, and the 25-miles radius?—I have not.

85. With regard to the Bill, do you, as a public officer, consider it objectionable to have words which are not very explicit?—Yes, I certainly do.

86. And you think that these words would cause some confusion, "And any open space which has been enjoyed or frequented by the public for not less than 20 years before the passing of this Act"?—I do not think that those words are sufficiently explicit or definite for the purpose of enabling us to administer the Act.

87. Supposing that I had some open space over which my private rights were undoubted, but which for some reason or another I had allowed the public to frequent for the last 20 years, would not these words operate rather injuriously to my private rights?—It might be construed to be an admission that you had ceded your private rights to the public by allowing them to go over that space without interruption.

88. Then, do you think that a proviso, that those words should not refer to such a case as I have mentioned, would be sufficient to cure the defect?—I think that I should rather prefer to have defined more precisely the lands which are intended to be dealt with.

89. Do you think that the interpretation clause, in the Act of 1866, is sufficient to include all those lands which should be dealt with under the extension of the Act?—Yes, all waste of a manor.

90. Do you think that a wider interpretation than "waste of a manor" is necessary or desirable?—I do not think that it should be extended to the half-year lands.

91. Are there other classes of common lands which the waste of a manor, and the half-year lands, and the lammas lands, would not include?—I do not think so; I do not think that the words in the Bill could operate upon any lands which are not included within the present interpretation, namely, "waste of a manor."

92. Then, if so, these words would be unnecessary?—I do not see the necessity of them. If you intend to confine the Act to the waste of a manor, I think that those words are not necessary.

93. The Chairman put it to you, that under this Bill no wrong could be done to anyone without his having a legal remedy; but is not one of the objects of our English law that no man should suffer a wrong without having a legal remedy?—I think that it would be difficult to say that under any scheme, some right or other may not be injuriously affected, even though it is framed as carefully as we can frame it.

94. Are you locally acquainted with the commons in the vicinity of the metropolis within 25 miles, or any number of miles?—I cannot say that I know them accurately; I know some of them more or less; but I cannot say that I have gone over them, or studied them with any great care.

95. You have said that you have only had seven applications?—Yes.

96. Have you reason to believe that the applications are likely to be increased in number?—I am inclined to believe that there are some commons relating to which applications will come before us. We have had an application lately from the Metropolitan Board of Works, and I had the pleasure of seeing the solicitor of the Metropolitan Board in relation to that scheme, and he mentioned some others with which he thought that they would proceed, but we have not had any further application from them.

97. In the cases with which you have already dealt, has the question of compensation arisen?—No.

98. If persons interested in the waste of manors are not very certain of receiving ample compensation, would not it probably prevent their agreement to any scheme which would come before you, and therefore prevent any scheme from coming under this Bill?—Certainly. If the owner of any right of a beneficial character which is going to be injuriously effected did not feel that he was likely to get proper compensation, it would, of course, interfere with his agreement to any such scheme.

99. But you cannot give us any idea how that compensation clause works?—It has never come into operation at all. The scheme which we have sent to Parliament, is one as to which there was no dispute by any parties having a right.

100. You do not doubt that private rights exist in these commons, neither do you doubt that there may be objects for the sake of which these private rights should be surrendered, but you think that in overriding them, compensation should be given to those persons who suffer?—Quite so.

101. Mr. *Bonham-Carter.*] In fact, you think that there may be cases in which these open spaces may be utilised for the benefit of persons living in the metropolis, and may be converted, more or less, into parks for which those who enjoy them, should in some sense pay?—Yes.

102. And you think that the feeling should not prevail in the minds of the persons from whom a sacrifice was required, that they were not adequately compensated?—Certainly not;

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nor do I think that it should be left in an indefinite manner.

103. I underetand that as the Legislature has decided that a certain area should be excepted for a special purpose from the general operation of the Acts under which your Commission was constituted, you think that the Act of 1866 is not sufficiently defined, but you think that it would be better to put in the commons and open spaces, rather than having it in the present indefinite way?—Yes; that is a matter which I have very often thought over.

104. Have you turned your attention to a map of those spaces which may be fairly supposed to have the definition of commons?—Waste of a manor.

105. And commons, other than waste of a manor, as far as you can ascertain them from the map: would not the natural inference be that if you wish to supply parks to this area they should be in some relation to the centre, and that they should be accessible in all directions, and not merely in one particular quarter of this district of 25 miles?—Certainly.

106. Should you think it quite just upon the owners, that is to say the possessors of rights, the lords of the manors and the commoners, in one district in which there was a very large proportion of waste land which would not in all probability be purchased for parks, the whole of the land in that particular district should be subject to the operation of the Act, which would prevent the lords and the commoners making use of it, when there was another district over which the same rights which are conferred by this Act would be supposed to be exercised, but which practically would not operate?—My view of dealing with the thing was, that all sides of the metropolis should be considered. There are commons north, east, west, and south of the metropolis sufficiently near to be approached. My object is to provide those commons which are near and which can be approached, and not that they should be in any particular portion of the radius more than in another.

107. Would not the effect of the extension of the existing Act to 25 miles be to suspend the rights, as they at present exist under the General Inclosure Act, of the owners of a very large area of commons in the south-west district: the map which you have prepared shows us where there would be no prospect of those commons being utilised in the way in which it is proposed to utilise those within the present area?—There is no doubt whatever from this map, that the south-western district would be the quarter most affected by the extension of that radius, because in that quarter there is more open and uninclosed land than upon any other side of London.

108. Are there not already several public parks available for the metropolis in that direction, to which persons can go out of London for recreation?—No doubt; there is Richmond Park and there is Bushey Park, and Hampton Court to a certain extent. I do not at the present moment remember any others.

109. So that in the direction in which at the present moment there are parks available for the public, there is the greatest amount of common which would come under the operation of such an extension as is now proposed?—There is no doubt that there is more open uninclosed land in that direction from the metropolis than in any other; the next largest is in the north-east direction towards Epping.

110. The question was asked you whether you did not think that the access to open spaces from the metropolis by railway ought to weigh with those who desire the interest of the metropolitan public in conferring these additional powers of control over property adjoining those railways: will you tell me whether the owners of these commons would have any *locus standi*, if their land was not actually taken by a railway company, to control the introduction of a railway into their district?—I do not know precisely now what the Standing Order of the House may be as to *locus standi*. At the time when I was very much occupied in sitting as Chairman of Committees upon Railway Bills, the Committee certainly had a discretion to admit people whose property, I think, was not actually going to be touched, under representations of special circumstances.

111. So far as you recollect the practice, would it have been competent for the lord and the commoners, say of Cobham, for instance, to have appeared and to have said, "This railroad will inevitably bring a population for recreation, who will set up rights which will be injurious to us"?—The question is, whether they would have had a *locus standi* to oppose it or not. I fancy that under the discretion given to committees, at the time which I am referring to, those parties might have been heard; whether such a ground of opposition would have been admitted by the Committee is very doubtful.

112. You have stated that you see objections to the words, "Any open space which has been enjoyed or frequented by the public for not less than 20 years;" would not questions arise upon the word "open"?—A question would arise as to whether that land might be lammas land, for instance, or not. A question arises, for instance, in London Fields.

113. Suppose the case of two coterminous commons, in one of which all the rights of the commoners are vested in the lord, and in the next of which certain common rights still remain: that is to say, two commons of vicinage, of which one by the gathering in of the rights is vested in the lord, would not both the commons be open to the construction that they were "open spaces"?—Yes. I must take an open space to be one not inclosed and allotted in severalty. By inclosing, I do not look at the word "fencing"; by inclosure I mean allotting the land in severalty.

114. But the word "open," in this Bill, might be subject to the construction of anybody getting from the high road on to the land without going over a fence?—Yes; I apprehend that that is meant to be the reading of that word in the Bill; that is to say, that there is no impediment of a wall, or gate, or that sort of thing, which presents an impediment to anybody going to the land in question, as in the case of Wandsworth Common, or any commons of that character.

115. Then, the fact of whether the owner of a space of that kind had put up a fence or not would bring it within, or leave it without, the operation of this enactment?—No doubt, it might be a subject of dispute. An owner might have put a fence round some land in the last five or 10 years, and with a perfect right, and yet it might be said, "This is an open space"; there might be that dispute.

116. Then, in fact, the words "open space" imply that every owner of property, in order to exclude

exclude the operation of this Act, would have to fence the property?—A great number of persons might very likely do so upon reading that provision, but I do not know whether they would do so or not.

117. Do you know of any legal construction having been put upon the word "enjoyed" for any such easement as to roaming or travelling over the ground; are you aware of any case in which a court of law has decided upon what is meant by the term "enjoyed?"—No, I do not, unless it is the great case which is called the Aberdeen case, namely, the case of Dyce *v.* Lady Jane Hay. There was a case also which occurred in Essex, which was tried before the late Mr. Justice Wightman, where the question arose, and he directed the jury (and I believe that his direction was never disputed) that a claim of anybody and everybody to go over a space of ground was not a thing which could be upheld in law. I have not his lordship's precise words.

118. Would not difficulties arise as to the construction of the word "public," taking the words "enjoyed by the public"?—I should take it as a fact, any number of people having been in the habit of going over the ground.

119. But I presume that some proof would be required of what "the public" were?—The public are distinguished from any private individuals who go on actually with a knowledge of right.

120. Are you aware of any case in which rights of this kind have been exercised, and decisions given, in favour of the public for such a right as enjoying and frequenting, otherwise than the public within the area of the manor or of the parish?—No; I believe that the decisions of the courts of law confine it to the parish, or the manor over which the people have gone and exercised this leave to walk about and amuse themselves.

121. With the exception of the exercise of some supposed right, such as playing golf, which requires a considerable area, or running a race, are you aware of any recent case, since the evidence was given by Mr. Cooke in 1865, which extends, by the decision of a court of law, the rights of the public beyond the decisions which were referred to at that time, namely, the case of Dyce *v.* Lady John Hay, and others?—I do not remember any such case; I think that the Carlisle race-course case was settled before that time.

122. In dealing with the rights which are brought under your cognizance, have you any other rights with which you can deal in the case of a manor or of a parish, or of some subdivision of a parish, beyond some definite rights, such as turning out a particular number of cattle; are there any instances in which you can consider the rights of the public beyond those which are defined by the governing clause of the Act of 1845, with regard to the neighbourhood of large towns?—There are public rights and interests, which we very often have to consider, in an inclosure under the Act of 1845, independently of exercise and recreation; there are other public rights which we have to look after and provide for. For instance, I remember one case where the parties proved in the middle of an inclosure that the fishermen of a certain place on the seashore had always had the right of drying their nets upon land which was going to be inclosed. When that circumstance was brought to our notice, we sent down and inquired into that question. Another right of that sort would be the right of holding a fair on some particular land; that, of course, would be recognised as a right, and would be provided for.

123. *Chairman.*] And these are rights which do not attach to the inhabitants of the particular locality?—In the case of the fishermen, the right did attach to the inhabitants of the locality.

124. Mr. *Bonham-Carter.*] Those rights with which you have to deal are rights upon that specific account, such as drying nets?—Yes; and I think the right of holding a fair, and I daresay that there are others, but I do not now bear them in mind.

125. I ask you that question in reference to the phrase which is used in the Bill, namely, "enjoyed or frequented by the public;" I understand you to say that there are cases where the public have exercised definite rights, which have been brought under your notice, and to which you have given consideration in deciding upon the inclosure?—Yes; of that nature which I have described.

126. Do you not think that it would involve rather a long inquiry to ascertain (if there was opposition) what "enjoyed or frequented by the public" could be held to mean under this clause?—I think that probably a court of law would be called upon to give an interpretation of the words of the Act.

127. It would probably involve an expensive litigation on the part of those persons who are now owners of private rights, which are at present acknowledged, and not attacked?—No doubt if a question arose upon it, there would be the expense of the inquiry, which we should have to make. There might be a decision which we should give, and then perhaps there would be an appeal to a court of law, to say whether our interpretation of those words of the Act was correct or not.

128. If we give to an important body, such as the Metropolitan Board of Works, with large funds at its disposal, and with an organisation, the power of setting up schemes, to take possession of a common which might not be of very large extent, but might be owned by the lords and three or four commoners, it would be in fact giving the lever of saying to these parties, "You must either give us up this common, or contest this question in a court of law"?—It is possible that the course of the proceeding might involve it in litigation, but I do not know that it would, and my own impression rather is, that in proceeding in somewhat the manner which I have ventured to sketch out, the Metropolitan Board of Works would probably not be put in any very great difficulty; they would be better able to come to terms, or to make a good arrangement with the lord of the manor and commoners.

129. Is it not a question whether you would put upon private individuals the pressure which this Act would bring to bear upon them of having to oppose so important a body having public funds?—Of course it would be much more difficult for any private person who thought himself injured by any proposed scheme to oppose the Metropolitan Board of Works, or any other body with money at their command.

130. In the case to which you have referred, as having devised a scheme under the Act of

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1866, did you require any deposit or any security for the costs at an early stage?—Yes, we always take a deposit for the security of our costs under any application which comes into the office; that was done in pursuance of a resolution of the House of Commons which was passed last year, and which was followed by a Bill, in which Bill we were ordered not to entertain any application for an inclosure under this Act, or anything which required the services of an Assistant Commissioner to conduct the inquiry without first taking security for his costs; that was because the House of Commons said, "The operations of your Commission are for the benefit of private persons to whom these properties belong, and therefore it is not right that the costs of your Commission should be defrayed by the public revenues."

131. Wisley Common is within 25 miles of London?—Yes.

132. Was the resolution to which you have referred operative with regard to the expenses of Wisley Common?—Yes, I think that it was. I think that the parties who applied to us for the inclosure of Wisley Common made a deposit.

133. Supposing that an inclosure took effect before the Bill which you have mentioned was carried, would the subsequent stages of the inclosure be subject to the fees?—All the subsequent inclosures are subject to the fees.

134. I understand that the Act of last year rendered the inclosures subject to department fees?—Yes.

135. Some inclosures were in progress at the time?—Yes.

136. Were the subsequent stages of those inclosures made subject to the fees?—Yes; upon the confirmation of an inclosure award now, even although that Inclosure Act had proceeded before the passing of last year's Act, we take the office fees under that Act of Parliament, the Treasury authorities having sanctioned the table of the fees. By the 5th section of the Act of 1866 it is provided that, "after the passing of this Act the Commissioners shall not entertain an application for the inclosure of a metropolitan common, or any part thereof; but nothing in this Act shall interfere with the carrying on, and completion of proceedings under any provisional order of the Commissioners confirmed by Act of Parliament passed before, or in the present Session; and notwithstanding any proceedings taken under any Act, other than this Act, or any provisional order of the Commissioners made, but not already confirmed by Act of Parliament, proceedings may be taken under this Act in relation to any metropolitan common"; therefore, any common within the metropolitan police district, the inclosure of which had been authorized by Parliament previously to the passing of the Act of 1866, undoubtedly goes on; but if we had been conducting an inquiry into an inclosure within that limit before the passing of the Act, but had not issued our provisional order, then that inclosure would certainly have had to stop.

137. Are you aware of the report of the Committee who inquired into the case of Wisley Common?—I have read it.

138. Does not that report propose to suspend the completion of the inclosure, conditionally upon the passing of the Bill which is now under consideration?—I am not sufficiently conversant with it to say; but I believe that you are right. I see that in the report it is stated; "if no progress should by the middle of June have been made with the Extension Bill, the Committee recommend that subject to the modifications hereinafter mentioned, the Inclosure Bill should be passed." Then the Committee suggest modifications of the provisional order.

139. Whatever expenditure has been incurred, including the fees in the recent action upon Wisley Common would be sacrificed by the promoters of that inclosure, if this Bill were to pass without any compensation?—No doubt.

140. *Chairman.*] What is the amount of the fees?—I should think that they may be 12 *l.* or 15 *l.*; I think not more, the average costs of all inclosures in preliminary inquiries are under 20 *l.*, but I certainly should not return the money to the people in Wisley; I should keep it, because I have incurred the expenses; I should not return the money except the balance.

141. Mr. *Bonham-Carter.*] Are you aware that the departmental expenditure bears a very small proportion to the cost of carrying out the inclosure?—Certainly.

142. Would not the whole of the expenses already incurred be sacrificed if the inclosure of Wisley Common was given up?—I understand the object of the question of the honourable Member. The parties have incurred an expense of 12 *l.* or 15 *l.* in the office; but they have incurred a certain expenditure, of which we at present have no knowledge or cognizance; there are always preliminary expenses.

143. Are not all the accounts of the valuers submitted to you?—They are submitted to the landowners, and they come to us afterwards.

144. Are you not aware that the accounts which pass through the hands of the valuer for an inclosure, are usually many times the amount of those which are departmental?—Yes; it depends upon the size of the inclosure; there are the formation of public roads, and other things.

144*. And whatever outlay has been already incurred would be sacrificed, supposing that the suspension of Wisley Common from the Schedule in the Act, in the early part of the Session, was continued, and that Wisley Common was excepted?—There is no doubt that whatever has been expended upon that inclosure of Wisley Common will be lost to the parties; but our departmental portion of those expenses will be very small.

145. Sir *Henry Selwin-Ibbetson.*] The Bill which has been referred to us is an extension of the Act of 1866?—Yes.

146. You said in the beginning of your evidence, that you considered that the Act of 1866 was essentially imperfect in its machinery?—I think so.

147. Then you doubt the policy of passing a Bill extending the machinery under which you have found that the Act cannot be properly worked?—I think that my answer was, that assuming that the Metropolitan Commons Act of 1866 to be still adopted for the purposes for which it was enacted, and also to be extended by the Bill now before the Committee, I thought that the machinery by which we had to administer it should be altered in certain respects.

148. You said that, in your opinion, this Bill which is now before us should contain alterations carrying out those recommendations?—Yes; I do

do not think that we can, with satisfaction to the public, work the Act as it now is.

149. With regard to the lammas lands, I think that you stated that it was only a partial enjoyment which the public had over them?—I do not think that the public can be said to have any right over lammas lands; that is to say, not over lands strictly occupied and used as lammas lands.

150. They would be, for a certain period of the year, open spaces?—Yes, for the benefit of certain people who could turn their cattle on; lammas lands, and open arable fields, or shack lands, are generally surrounded by an outside fence.

151. There are the same rights over those lands for a part of the year as there are over common lands during the whole year, are there not?—No; they vary. The rights of common over lammas and half-year lands, I think, vary in different districts, just as the cultivation of those lands varies in different districts.

152. You think that if those words were introduced into this Act, they would not be held to take in lammas lands which are cultivated for a portion of the year?—I think not. I think that it would be better to say that they are not to be included, provided that the Legislature do not intend it.

153. With regard to an open space which has been enjoyed, or frequented by the public, that, I suppose, would clearly give the right if the public had been tacitly permitted to use it for a number of years?—Yes. If the words had run somewhat in this way, "Any open space which the public has had the right of enjoying or frequenting;" I think that it would have been better.

154. This would be availing themselves, on the part of the Legislature, of the generosity of the owner as against him?—Yes; what you would call a permissive right (which I believe is the term in law) would undoubtedly be interpreted to be a thing which, by long usage and custom, had attained a legal validity.

155. I think that you have said that no question of compensation arose under the one inclosure which you have mentioned?—No such question arose; nothing of the kind arose in the proceedings before us, nor do I know that any such question is likely to arise. The scheme is drawn, as nearly as possible, in the words of the Act, namely, that it is not injuriously to affect any beneficial right.

156. As far as the Act of 1866 goes, you have had no practical experience in that respect?—Not as regards compensation.

157. *Chairman.*] You state that seven cases have been before you, and that no question of compensation has been raised in any one of them?—Yes.

158. Mr. *Knight.*] Previously to those cases coming before you, was an arrangement made with regard to those rights?—No, I do not recollect any such question in any of those cases.

159. Sir *Henry Selwin-Ibbetson.*] The only remedy of the landowner would be an injunction in the Court of Chancery to stay your proceedings?—He would probably move for such an injunction.

160. Do you think that his only protection should be a Chancery suit?—Is not that the case now? In the cases of one or two Inclosures the courts have been moved to stop us from going on.

161. That must be a very expensive proceeding on the part of a landowner?—If he goes beyond moving the court for an injunction it will undoubtedly become a very expensive thing.

162. With reference to what was stated with respect to the number of the commons in the south western district as compared with the other parts, have you any idea of the proportion of commons in the metropolitan radius; and whether they are more equally distributed over the present area than they would be over the future area or not?—Yes, to a certain extent. Taking the Metropolitan Police boundary, there is a little more land on the south west of London.

163. But not in the same proportion?—No, I think that the proportion would not be the same

164. A number of landowners in the southern district would suffer under this Bill, whereas only a few would suffer if your suggestion was carried out?—Yes.

165. Mr. *Buxton.*] I understand that you do not deny that, in the neighbourhood of great centres of population, it is of great importance that open spaces should be preserved for the enjoyment and recreation of the people?—I do not deny that at all.

166. You acknowledge that that is an object of very great importance, and which the Legislature is quite justified in endeavouring to obtain?—Yes.

167. But you think that when you get to a considerable distance from any centre of population, the same motive does not hold good for keeping a large extent of country open?—I do not think that it does hold good; I think that what you want is to provide a daily or a very easy mode of exercise and recreation for that purpose.

168. As a matter of fact, there are enormous stretches of waste between 15 and 30 miles from London, are there not, especially in Surrey?—In Surrey there are particularly, and also, I think, in Berkshire.

169. May you not ride for 20 miles over waste land in some portions of Surrey and Berkshire?—I think that the honourable Member is better able than I am to answer that question.

170. You may be aware that, as a matter of fact, it is almost unknown that people come down from London, except possibly an individual, now and then for enjoyment upon those stretches of waste land?—I do not think that that is a general practice, or one which is very frequently adopted. There are certain great holidays when we know that the masses flock out of London, such as Whit Monday and Whit Tuesday, and a few others; but as a rule I do not think that the population of London requiring exercise and recreation go that distance for their day's enjoyment; they may do so sometimes. I think that where they go to a greater distance than is readily accessible, and that when they have to run by railway, they go to other places, such as places by the seaside and places which are objects of interest, rather than going down to an open common. We know that, to a certain extent, they go to Epping upon great holidays, and I believe that Epping is also used a good deal for ordinary exercise and recreation; I am informed so.

171. Is not Epping within an easy range of London?—Yes; there is a very large population upon

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upon that side of London, which I have no doubt have used it; to what extent it is now used I am unable to say.

172. But Epping offers great advantages in that way, namely, that it is very near to London?—It does.

173. Is it not also the fact that the Londoners will not go to any place where they will find the country quite wild, and where they do not find any accommodation for eating and drinking, and conveniences of that sort?—I think that probably upon those occasions when a great mass of people go down for their day's holiday to any of these distant places, they take their own provisions and hampers with them. I do not suppose that they look out for a hotel or a public-house which is capable of finding them refreshment.

174. The experience as to Epping would not apply to more distant places from London to which people would not be likely to run down, and which would offer no great attractions like the seaside?—I should say that the practice of using Epping for that purpose would not be applicable to other commons 25 miles from London.

175. Is it not the fact that in those wild parts of the country the peasants are very much less civilised, and are for the most part poorer, and more squalid than in the more highly cultivated parts?—That certainly was the opinion expressed in former days by a very great number of witnesses upon an inclosure inquiry, and I have had that opinion expressed to me now.

176. Would it not be for the advantage of the peasantry residing in the neighbourhood of a large expanse of waste land, if it were cultivated, and if there were an increase of wealth in that neighbourhood?—I certainly think so. I think that that is the argument (and a very good argument) which was held in former days, when the population and industry of this country first took that great rise, and when waste land began to be used. Soho, which is a great manufactory near Birmingham, I believe, was built upon waste land.

177. Is it not the fact that large tracts of land which were formerly waste land are now brought into cultivation so as to pay a large interest upon the capital employed?—There is no doubt that that can be proved. I do not mean to say that that land is necessarily brought into arable culture, but you can improve the nature of the herbage, and of the pasturage, and a portion of the land can be used for arable cultivation. Some of it may be used to great advantage for planting, and some may be used for building. In the neighbourhood of the metropolis many people have advocated very strongly the formation of what they call suburban villages. Now, if they are to be erected at a small cost, they must probably be placed upon lands not now inclosed, because you must give a very high price for inclosed land.

178. The fact that such immense tracts of land are now lying idle, large portions of which might be brought under culture, is so much loss, is it not, to the wealth of the whole community?—That is decidedly my view, and I think that it is a very great pity that so much of that land should be idle.

179. And the expense of obtaining private Acts, to inclose these separate commons, would in most cases be so considerable, would it not, as practically to render that inclosure impossible?—I think that the cost of obtaining a private Act for inclosures, during the existence of the Metropolitan Commons Act of 1866, or its extension by this Bill, would be very great, because I apprehend that any persons proceeding by private act to inclose during the existence of that Act, would probably meet with very considerable opposition. An unopposed Inclosure Bill in former days was, I think, calculated to cost the party 300 *l.*; if it was opposed of course we do not know what the cost might be.

180. You think that, upon the whole, the highly important object of supplying people in populous towns with places of recreation and enjoyment, and of getting access to country pleasures, would not be really obtained by the proposed Bill, and that the advantages which would be sacrificed are of a considerable kind?—I think that they are. There are two public advantages; there is undoubtedly the maintenance of open spaces near the metropolis for ordinary recreation, and on the other hand there is a great public advantage, of a national character, by facilitating, as much as you can, the inclosure of lands whereby their value and productiveness in every way are very much increased.

181. Do you not think that a reasonable course would be, that any spots which are of real value for the enjoyment of the people should be selected and still kept open; and that whatever other arrangements which were thought desirable might be made, there should be no attempt to obtain that end by stopping the inclosure of all this vast amount of waste land over such an enormous area?—That is the view which I ventured to suggest, namely, that there should be a different procedure from that which is now adopted under the Metropolitan Commons Act.

182. Mr. *Johnston.*] Were you not examined before the Committee of 1865, upon this question?—Yes.

183. Did not you agree with the principle of the Act of 1866, and suggest your office as the machinery for carrying it out, instead of having a special Board, as was originally suggested by the framers of the Act?—I do not remember making any such suggestion.

184. Are you not aware that the objection of the framers of that Act, to making the Inclosure Commissioners the authority for carrying it out, was that their leanings and antecedents were in favour of inclosure, and does not that fear appear to you to be justified?—No, I do not think so at all; I do not remember making that suggestion at all.

185. Are there not cases where the lord has no intention of inclosing, but will not take the trouble to defend the common against all sorts of trespass and disfiguration, but where the inhabitants are willing to take the management of it; and is not the Act of 1866 likely to be very useful in such cases?—It might be so; I had a gentleman with me a few days ago, who complained of the injury which was done to a very small piece of common in his neighbourhood, and I recommended his looking to the "Metropolitan Commons Act of 1866," and he said that he had never heard of it.

186. A great deal has been said about the large proportion of commons which will be taken in the south-west; are you not aware that that is also the district which is much the most thickly inhabited in the neighbourhood of London, taking the

the south-west of London generally?—I am not aware that the south-west of London is the most thickly populated.

187. Are you not aware that the land is much more valuable in that direction than in other directions?—I am not.

188. Are you not aware that land 20 miles off London, on the London and South Western line, is worth as much as land only ten miles off on the Great Eastern line?—By way of residential value, that very likely may be the case; I very often go down to Kingston, and I know that that line of country is very much frequented by those persons who wish for villa residences, and who wish to go backwards and forwards to business in London.

189. Does not that arise from there being more desirable residences there?—No doubt it is a very favourite side of London for people to go to and obtain houses, who wish to go backwards and forwards.

190. Have not the landlords in that direction been very much benefited by the increase of population?—I do not know that they have benefited by the increase of population; they have no doubt benefited by the increase of railway accommodation. The owners who have sold those lands for residences have benefited, no doubt.

191. Have they any right to complain that they are called upon to make provision for the benefit of the population which has quadrupled the value of their land, or much more than quadrupled it?—I do not see how that question applies.

192. The vast increase of population in that neighbourhood has more than quadrupled the value of the land in that neighbourhood; supposing that some of those landlords were called upon to make some sacrifice for the benefit of that population, would they have any right to complain?—If those are the same people to whom these open waste lands in that neighbourhood belong, I apprehend that, although they have an increase from other circumstances in the value of their land, there is no reason for taking away the further increase which they may derive to the value of their property.

193. *Chairman.*] But it is from the same circumstances?—Yes; but in one case it is that the increased metropolitan population have bought land of these landowners to erect their residences, and, on the other hand, the other increased metropolitan population is not going to buy any land of them, but are merely going to have the land left open for them to go down to, and walk about on.

194. Mr. *Knight.*] Do you know, as a fact, whether land within 25 miles of London, in Surrey, has been quadrupled in value or not?—I do not know about its being quadrupled in value, but certainly land on that line has been enormously increased in value.

195. Mr. *Johnston.*] For instance, land near Walton Station, which has been sold at 15 *l.* within living memory, is now sold at 300 *l.*, that is 20 times the original amount; you have laid down broad rules not to entertain schemes under the Act of 1866 so long as litigation is going on with regard to the commons to which they refer?—It is not quite so; we found, in the case that I have mentioned, that there was a distinct denial on the part of the lord of the manor in his Bill in Chancery that there existed any rights of common, and we said that we could not come to any other conclusion. We said that it was a question before a court which was competent to decide it, and, therefore, we said that we must hold our hands; and I think that if we had attempted to proceed, the lord of the manor, in that case, would probably have moved against us in the Court of Chancery for an injunction.

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196. Is that the case at Plumstead?—No.

197. You had a scheme with regard to Plumstead, had you not?—I do not remember it. At Walthamstow we had one.

198. Mr. *Reed.*] Referring to lammas land, is there much lammas land near London?—I think that there are undoubtedly some lammas lands which are close to London; to what extent they are I cannot undertake to say, but in the north and east of London I think that there is a good deal of lammas land. There is a tract of land in London, namely, the London Fields, out towards Bethnal Green; there is no doubt that that is lammas land. I think that Hackney Downs are lammas lands, and I think that there is another small tract of land out there which is also lammas land.

199. You mean Hackney Marshes?—Yes.

200. I understood you to say that the public had no enjoyment of the lammas land?—I did not say that with reference to those lands in London. The honourable Member asked me the question whether the public did not use these lands after the crops were removed. My answer was that the public may perhaps go over them, but I do not think that they will very much do so with ordinary lammas land. At times of the year the rights of common which are enjoyed over lammas lands, and where they are open, are enjoyed by those persons who live in the neighbourhood of those lands. I do not think that the public would very much go upon them There is generally an outside boundary fence, but that observation would not apply to such a place as the London Fields.

201. Are you aware that the London Fields are used by thousands of people every day over the common ground?—Yes, I am quite aware of that.

202. And that there are no fences?—No; the fences there are the houses round the land.

203. With regard to that land, and the land on the marshes, do you not think it desirable to protect those lammas lands for the benefit of the people?—There is no doubt that those lands, such as London Fields and Hackney Downs, should be dealt with in some way, and that they should not be allowed to remain in the position which they are now; they are in the centre of a very large population, and certainly some portion of them should be left as open ground.

204. Is it your opinion that clauses should be inserted in this Act protecting such lands from inclosure?—You must require the owners to become parties to the terms upon which they would agree to such a dealing with their property.

205. I refer to protecting those lands from inclosure without a special Act?—They could not inclose them now without a special Act, because they are certainly within the present radius, with reference to which we cannot entertain an application under the general Act. If the common right owners, say of London Fields, wanted to inclose those lands, and to allot them in severalty, I apprehend that they must either go

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to Parliament for a private Bill or proceed under some of the other Acts relating to arable fields.

206. Do you think that there would be any practical objection to a provision that the word "commons" should apply to lammas lands?—As there is a right to shut them up for six or eight months in the year for a corn crop or a hay crop, I think that it is not desirable.

207. Are you acquainted with the provisions of the Act of Geo. 2?—I believe that that Act is still in force; I am not very well acquainted with its provisions.

208. In your opinion, should such lammas lands as have been open to the public for many years, such as the London Fields, be protected from inclosure?—I do not think that it would be advantageous that, situated as the London Fields are, all that land should be built upon, but in dealing with it you must consider those to whom it belongs.

209. Sir *Henry Selwin-Ibbetson.*] And in dealing with it you must also include all the lammas lands over the country?—Yes; no doubt, the custom of lammas lands varies in certain localities.

210. Mr. *Samuelson.*] You have said that you think that the addition of these words to the interpretation of the word "common," namely, "and any open space which has been enjoyed or frequented by the public for not less than 20 years before the passing of this Act," might possibly be considered to make the Act apply to the Royal Parks?—I think that possibly it might, but practically I think that it would have no such effect.

211. Would not the fact that the parks are not thoroughly open to the public at all hours prevent that application; if the public are excluded at certain hours, can the parks be said to be open to them?—Yes; they are open to the public in the daytime; it is under regulation, and being in the neighbourhood of a large population, the regulations are extended to the night; whether, or not, the parks are altogether shut at night, I am not aware, some are not; the Mall is always open in the night.

212. Do you think that the same objection would apply to words like these, "enjoyed or frequented by the public as of right, without restriction"?—I think that that, perhaps, would make it more definite; but it is very difficult at the moment to give an opinion as to the words which should be introduced in a Bill before Parliament; framing an Act of Parliament is a thing which I have found, more or less, requires consideration.

213. Do you not think that it is the case that the health of the metropolis is very much benefited by the air which circulates over these uninclosed spaces around it, even apart from the advantage which the poor may derive from exercise thereon?—There is no doubt that there is an advantage from letting the air circulate through.

214. And therefore, do you not think that it would be a great disadvantage if those spaces should be inclosed, and, perhaps, sold for the purpose of erecting factories, and be used for purposes which might render the air impure?—Within a certain distance of the metropolis, I think that it is extremely desirable that those spaces should be kept open; but I think that there is a more satisfactory way of doing it than under the Metropolitan Commons Act.

215. Is it not the case that the lords of the manor obtain very little benefit from the commons?—Undoubtedly they do not enjoy any very large amount of benefit from the commons in the neighbourhood of London, but still the soil is theirs.

216. Is it not the case that if the soil is inclosed and is used for building purposes, they will enjoy enormous benefits?—Undoubtedly they will; no doubt they would obtain a large profit upon the selling of that land for building purposes. At the same time the metropolis is likely to increase in population; you cannot stop it, and you want more houses; and if the land which is available for building houses for the population of the metropolis is to be very much circumscribed, you must raise the price of land which is available in the market for that purpose.

217. While the lords of the manors have certain rights on these commons, have not the public on their side certain rights also which are equally well defined?—Not equally well defined.

218. But have they not a prescriptive right?—No; it is merely a permissive right. I cannot say that the public rights are quite so well defined as the lord's right is.

219. Would it not be for the public advantage, if these commons were inclosed at all, that they should only be inclosed as allotments for the poor?—If the land was bought, those who bought it would undoubtedly be able to use it.

220. Instead of allowing it to be sold for building, in which case the lords of the manor make enormous profits, might they not be compelled to sell it at a very small price if it was to be inclosed at all?—Then at what price would you sell it to those who were to have it, and for what purpose would they be allowed to use it?

221. For garden allotments?—I have no doubt that in many cases that would be a very advantageous use, provided the land was sufficiently near. You cannot expect the population of London to go out 25 miles to cultivate an allotment after a day's work.

222. I did not refer to the population of London, but to the population surrounding the commons?—A labouring man would buy his little allotment out of that common of 100 acres, and when he has bought that, what is there to prevent his building upon it? He has bought it with his own money, and it is his own property.

223. Mr. *Winn.*] Is there a sufficient population round any of these large commons to enable the people to use the land as gardens, even if it was allotted to them?—In some cases there may be, but not in all.

224. Take the large commons to the south-west of London?—There is certainly not sufficient population to use the whole of the land as garden allotments.

225. It has been said that the land has been largely increased in value in the neighbourhoods of those commons, from the building of villas and residences?—The value of the land in the south-west part of the country from London has, no doubt, largely increased in value, but I intended to say, and I think that I said it, that that increased value arose more from the facilities of reaching the land by railway, and that there was therefore given to it a residential value. I do not think that that increased value has arisen from

from the fact of there being the open and uninclosed lands to the south-west of London.

226. Is that the reason why these large spaces should be left open after the land has increased in value?—No, I have already said that I do not think that that is a good reason for leaving the land uninclosed.

227. The people who have built these villa residences, I suppose, are not the persons who would use these commons if they were left open?—I imagine that a great many of them would not have any interest in these common lands.

228. They have not been in the habit of using those recreation grounds?—No; there may be some few who have done so; but it is not the residents in villas who use these commons very much. Of course, if a common is inclosed it will somewhat detract from the pleasantness of some of these villa residences; that may be the case, but I do not see that because I have a villa residence, which, perhaps, I hire, I have, therefore, a right to complain of the common near me being inclosed, and so enabling my neighbour to increase the value of his property.

229. With respect to the lammas lands, I understood you to say that they were usually inclosed lands, and not lands over which the public had been in the habit of going?—I should think that in the majority of cases the public will not have used the lammas lands very much by going over them, except upon defined public footpaths. Lammas lands are almost necessarily shut for six months in the year, that is, where they are cultivated either with arable cultivation, or for hay. Such an observation would not apply to the London Fields. The lammas lands are both arable and meadow; they are owned in severalty for a part of the year. I hold that a person who has a right to shut up the land and to cultivate several acres of that lammas land, owns that proportion of it in severalty for so many months in the year.

230. Of course, if that land were allotted, it would be allotted with the public footpaths?—Certainly; the consideration of the public rights of way, footpaths, and roads, is always a part of the first duty of the valuer in dealing with an inclosure.

231. Mr. *Knight.*] Can you see any reason why the lord of the manor should not enjoy the increase of the value of his land, from the increase of the population in his neighbourhood, as well as any other landed proprietor?—It follows, as a matter of course, that he does, and I see no reason why you should take any steps which should prevent his increasing it more. I do not see why you should interfere with the productive employment of land any more than you would interfere with the productive employment of capital in any other way. I think that it is a public advantage that land should not lie idle; that is my view, subject to the observations which I have made, as to the desirability in the neighbourhood of the metropolis of keeping open certain spaces.

232. Much of that open land in Surrey, on the south-west of London, is of very little value as agricultural land, is it not?—At present I believe it to be of very little value; but I am informed by those who are acquainted with it, that it is capable of being made very much more valuable, perhaps not so much for arable cultivation as for increasing the value of the pasturage and the herbage. I have a further proposition which I wish to make to the Committee upon the subject of the alteration in the Inclosure Acts, which I consider is applicable to the subject into which they are inquiring. I wish to draw the attention of the Committee to what are called the regulated pasture clauses under the General Inclosure Act. Under the General Act there is a power, when an inclosure is authorised by Parliament, for two-thirds of the parties in value to apply that the land shall not be inclosed, in its ordinary sense; that is to say, allotted and divided, but shall be set out as a regulated pasture; and, therefore, under that provision the land is not cut up, and divided, and fenced in various ways, but it remains open, and the rights of common over it are regulated by the award. If a man has been turning on before 16 animals, the award perhaps gives him 10. As the Act now stands, there is a difficulty, where people wish to make a regulated pasture of the waste of a manor, in applying to us for a regulated pasture; they must go through the process of applying to Parliament for an Inclosure Act, in the ordinary sense of the word, and then at a certain stage they may apply for a regulated pasture. I think it extremely desirable that provision should be made to enable those parties to apply to us *prima facie* for the conversion of that waste of a manor into a regulated pasture. I should say that this application should be accompanied with the same provisions as an application for an inclosure.

233. *Chairman.*] This bill proposes to extend the area within which your jurisdiction is excluded?—Yes; but I say, if you do that, let the people have the power to apply to us, not for an inclosure, but for a regulated pasture. That is under the 113th and following clauses; they would require some little alteration.

234. You think that such a scheme as that might be a compromise for the public?—Yes, *quâ* keeping the land open, so that it could not be built upon. The case which has been put by an honourable Member as to keeping the ground open for air, and so forth, would be met, and there might be other provisions which I am not now prepared to lay down or define. I think that that would apply to some of the commons in the neighbourhood of London. I remember people coming to us once from Wandsworth, and asking us whether we could allow a regulated pasture to Wandsworth Common; it was about four or five years ago, and we said we could not.

235. Mr. *Knight.*] Cannot the owners of a regulated pasture fence against each other?—No, the soil becomes theirs, but they cannot fence.

236. Mr. *Winn.*] They are common rights?—Yes.

237. Mr. *Johnston.*] I will call your attention to a passage in the Report of the Committee on Open Spaces in 1865. Mr. Wingrove Cooke stated that the Inclosure Commission Office has great facilities for carrying out the objects which the Committee may have in view; has your attention been called to that passage?—I do not remember it; we have the powers and machinery applicable to the matter, but I think that our powers are too much restricted.

238. Mr. *Bonham-Carter.*] If I understood your proposal rightly, it was that in certain directions where commons now exist, the best way of fulfilling the objects which appear to be in view in the case of the Metropolitan Commons Act, was by selecting particular commons, and operating upon those

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those commons so as to preserve open spaces?—Yes.

239. Under the Act, I think that you have now no power of making an arrangement by which a part of the common can be sold; the schemes do not provide for sale?—They do not.

240. Are you aware that in the case of Wimbledon Common, Lord Spencer proposed to sell a portion of it?—Yes, under his private bill.

241. Am I to understand you that in your proposal you would take the whole of the common, or should you think it desirable to make a provision by which what might be deemed to be a sufficient portion for a park, or open space, should be reserved, and the remainder might be sold for building purposes or otherwise dealt with, which power would perhaps enable you more fully to carry out the object by the increased value of the remaining ground?—I think that in the case of the parties who might apply to us under such a provision as I have suggested, power should be given to them to sell as much of the land as might be necessary to defray the expenses of obtaining the provisional order and the sanction of Parliament. Supposing for instance that the Metropolitan Board of Works applied to us for some such scheme, to arrange with the lord and the commoners, and that they had expended 300 *l.* or 150 *l.*, I think that they should in that scheme be authorised to sell as much of that land as would defray the expenses of the application, including compensation which they may have to pay.

242. The question appears to be, how best to satisfy the requirements of the metropolis in an inclosure with no undue infringements of private rights; if a park of 200 or 300 acres was set out in one of these large commons, and dedicated for ever to the public, and was subject to proper arrangements and care, would not the immediately surrounding land be very much enhanced in value for building purposes?—I should certainly expect to hear that it was.

243. And might not some such arrangement as that be feasible, which in the same way would effect the object in view under the Metropolitan Commons Act consistently with no great sacrifice, if any, by the lords and the commoners; take a large common, the whole of which it might not be desirable to dedicate for ever as an open space to the public, would it not be desirable to provide for taking a portion of that common as a park and enabling the remainder of the common to be inclosed with the result of a greatly enhanced value of that portion which was not a park or common to be thereafter dedicated to the public?—If I understand the honourable Member's question he would propose, having taken a common of 150 acres, to apply 100 acres for a park or space to be kept open, and to sell the other 50 acres with the view of preventing the enhancement of the value of the neighbouring land.

244. Mr. *Knatchbull-Hugessen.*] Do you see anything in this Act which prevents the sale of a portion of the land?—Yes; because the 6th section of the "Metropolitan Commons Act of 1866" says, "A scheme for the establishment of local management, with a view to the expenditure of money on the drainage, levelling, and improvement of a metropolitan common, and to the making of bye-laws and regulations for the prevention of nuisances, and the preservation of order thereon, may be made under this Act;" I doubt very much whether we should not be exceeding our jurisdiction, if we put into our scheme a power of selling 50 acres of that land in any way.

245. Have you taken a legal opinion upon that point?—No.

246. The question has not been raised before you?—It has not.

247. Supposing your view to be right, do you think that an alteration in the Act, giving the power which you think would be right, would be an advantageous alteration?—I think so; in the scheme which I have ventured to suggest to the Committee, I think that there should also be a power to lease from the lord and the commoners.

248. Mr. *Bonham-Carter.*] Are you aware that in inclosures which come under your cognizance, it is a very common practice to sell a portion of the inclosed land for the purpose of the expenses?—It is very common.

249. Have you any knowledge whether the portions of land sold for that purpose fetch or do not fetch an increased price, much beyond the original value?—I am not able to answer that question; I do not know the value which the land may fetch after it has been bought, and after we have conveyed it; we do not know what is done with that land afterwards.

250. Does not the valuer in his report to you, return the acreage which is sold, and the amount which is obtained for that acreage?—Yes; he reports the value for which he has sold the land, but I cannot speak of the increased value of it afterwards.

Mr. Benjamin Scott, Chamberlain of the City of London; called in, and Examined.

Mr. *B. Scott.*

251. *Chairman.*] You reside, I think, at Weybridge, in Surrey?—I do.

252. Which is about 19 miles from London?—It is about 19 miles by railway from London.

253. You are very well acquainted with that neighbourhood?—I am.

254. And also being especially connected with the City of London, you are very well acquainted with the metropolis?—I have been acquainted with the City of London for more than 40 years.

255. I believe that you were examined as a witness before the Committee which sat this year upon the subject of Wisley Common?—I was examined before that Committee, but I do not attend to add to the evidence which I gave upon that occasion, as it is in print, but I rather propose to speak upon the general question of metropolitan inclosures.

256. I believe that you have given a good deal of attention to the subject of the population, and the statistics of London generally?—Yes; I have published a book upon that subject.

257. Have you also had your attention drawn to the necessity and importance of open spaces being reserved in the neighbourhood of the metropolis?—I have taken a great deal of interest in that subject since the year 1865, when my attention

attention was first very forcibly drawn to it. I had occasion to visit, on one Sunday morning, a brother who lived in the region of Epping Forest, and so great was the crowd, on a fine morning early in October, that I was detained for three or four hours before I could obtain a seat in any carriage to convey me down to the Forest, so large was the number of persons, men, women, and children who were finding their way down to the open spaces in the neighbourhood of the Forest. It was at the time when the blackberry season was at its height; that was the attraction at that particular time. My attention was then drawn to a matter to which I had not at all given attention before, namely, the very great desire existing in the minds of the working and trading classes to get out of the Metropolis, not into a park, not into Victoria Park, but to get out into some open space where some traces of nature remained undisturbed, and where they might enjoy the delights which nature affords.

258. Was the wildness of nature always the attraction, or was there anything peculiar on that particular Sunday?—I found that it was more particularly from that time, being the blackberry season. I made it a point to mingle and converse with many parties of them, and I found that it was the wildness and the openness of the forest which brought them out. They carried their provisions in handkerchiefs, and they partook of them under the trees, without the interference of anybody to find fault with them, which, of course, is the case in the parks.

259. Are you familiar with the provisions of the Act of 1866?—Yes; I am tolerably familiar with those provisions.

260. In your judgment, might that Act be advantageously amended in some particulars?—I am of opinion that it requires amendment in three particulars, in order to make it more useful to the Metropolis. In the first place, some definition of the word "common" is required, so as to include all open spaces. For very many years spaces have been frequented by the public which, I believe, are not commons in law, but are commons in fact. In the second place, I think that the limits of the operation of the Act should be somewhat extended; I am not prepared to say precisely what should be those extensions, but I am sure that it would be very beneficial to the Metropolis that the limits should be extended, which are described by a very irregular line now. In the third place, I am very strongly of opinion that some further publicity should be given upon the introduction of a scheme to inclose a common, so that persons in the immediate neighbourhood should be made aware of any such application being made to Parliament. In the case of Ockham and of Wisley, I found that none of the inhabitants of the neighbourhood knew of any inclosure being proposed. As in the case of railway Bills, I think that all parties should have public notice. Those are the three points upon which I propose to give evidence to the Committee.

261. In the first place, you say that you think that some further definition of the word "common" is required; can you illustrate that?—In the neighbourhood of Weybridge there are several commons which are very largely frequented by the people in the neighbourhood and by the inhabitants of Weybridge, and none of those commons are protected by this Act. The neighbourhood petitioned with reference to Wisley Common. They petitioned again when there was a question of open-spaces raised under the Educational Endowment Bill, and they succeeded; they did not petition again in the present instance, because they thought that my appearance here was sufficient. Weybridge has a common of 75 acres, Walton-on-Thames has a common of 200 acres, and Byfleet has a common of 40 acres. There are certain rights of the poor over those spaces, but they are not strictly commons; they are portions of commons which have been inclosed, which were allotted to the poor. In the year 1800 Acts were passed with relation to all those three commons which I have mentioned. Under those Acts the lords of the manors were compensated with portions of land; the commoners also were all compensated, and these portions were left open for the use of the poor, that they might cut fuel as they had been accustomed to do. They are now, I believe, called, in legal language, "poor's lands," but I contend that they have been designedly dedicated to the use of the parishes and the neighbourhood. In point of fact, they have been open from time immemorial, no doubt from the Conquest. The lord of the manor has been satisfied, the commoners have all been satisfied, and the people in the parish have been satisfied in respect of their rights; and there is now no other owner of these lands, except a very limited number of poor persons, who rent cottages of 5 *l.* value.

262. Was there any power in the Inclosure Acts to inclose these portions which were left open?—There were powers to set out and ring-fence them, and powers to sell portions of the land for the purpose of fencing; but the Commissioners 70 years ago failed to fence; the poor have never made any attempt to fence, and the trustees of the poor, of whom I am one, in Weybridge have never made any attempt to fence. The land is as open as a public road, and designedly left so by all parties. Therefore I contend that they were portions of large open spaces which were left divested of all other rights, and the poor have only a right of cutting fuel upon them.

263. Mr. *Winn.*] Who gets any benefit from them now?—The poor, under the Act of Parliament of 1800, still cut heath and furze, and the Scotch fir trees, which grow self-sown on those wastes. They cut them and consume the wood in the winter time. In the case of Weybridge, and also, I think, of Walton, there has been a scheme to regulate the cutting, and it is let to a baker or some person who wants that kind of fuel, and the proceeds are distributed. The fuel fetches 30 *l.*, 40 *l.*, or 50 *l.* a year. We are of opinion, in our neighbourhood, that those spaces are extremely beneficial for the neighbourhood, and for the poor and their families to ramble upon. On Walton Common there is a very extensive convalescent institution placed there for no other purpose than to allow the convalescents from the hospitals to have free range over that waste or common; and I am of opinion that, as those places are within three-quarters of an hour to an hour from London, they are very desirable places for the teeming population of London occasionally to visit, and to obtain fresh air and recreation; and therefore we submit that this is an opportunity upon which Parliament might introduce, in some form or another, a protection for these commons, so that they should not

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be ruthlessly given away or sold; as we feel that another common in the neighbourhood has been made away with; I contend that these are open spaces which should be freely enjoyed by the public without restriction.

264. You have stated that there are four commons; you have mentioned Weybridge, Walton, and Byfleet; which is the fourth, is it Egham? —I refer to the common at Egham, a little further down the South Western line; it was a common of 280 or 300 acres in extent; it was referred to by Mr. Erle, the Charity Commissioner, in his evidence, in 1865, before the House of Commons Committee on Open Spaces (Metropolis). Mr. Locke King asked him this question, "Will you state what occurred in the case of Egham?" in answer to which he said, "It was represented to us in the strongest terms that the whole of the land at Egham was producing no benefit whatever which had been allotted to the exclusive use of the poor. The trustees, and a large number of influential parishioners, represented to us, that a sale of the land would be much more beneficial to the poor, who got comparatively nothing for it as it was, and they asked for our authority to sell the land: we enabled the trustees to sell the land, if they should think proper, and they did sell it." Then he is asked, "Do you know the extent of the land that was sold?" and he said, "The Inclosure Act authorised an allotment of from 280 to 300 acres to the poor; it is by far the largest quantity which has been dealt with in that way, and it produced about 7,000*l.* on its sale." Then he was asked, "Was there a unanimous feeling on the part of the inhabitants in favour of the sale?" and his reply was, "I think we had no strong objection to the sale, and all the trustees were, I believe, quite in favour of it." There was also a reference to the land at Weybridge, upon which Mr. Locke King requested an opinion; Mr. Locke King asked the question of Mr. Erle, "Have you any reason to know whether the poor were anxious for the sale of land at Egham?" Mr. Erle's answer was, "I do not remember that they made great objection." The next question is, "You would recollect that, in a similar case, when it was proposed to inclose at Weybridge, the poor were thoroughly opposed to it?" The answer is, "Yes; we received a representation convincing us that it was undesirable in that case to exercise powers which are discretionary, and we refused to do it." The next question is, "You found that the poor were desirous of having it left as an open space?" To which the answer is, "Quite so; and we were glad to find that we were justified in leaving it alone. It is not a power that we have any desire to exercise, unless, according to the best of our judgment, this was required."

265. *Chairman.*] The land there was sold for 7,000*l.*; do you know who bought it?—No; I always understood that the neighbouring landowners had it offered to them, and that they took it.

266. When was it sold?—In or about 1863 or 1864. I am not a resident of Egham, and therefore I am merely speaking of what I have heard in the neighbourhood; I do not speak from personal knowledge as I should in the case of Weybridge.

267. Have you formed any opinion as to whether or not an adequate price was given for that land?—I was very much surprised to read in 1865, that the land was sold for 7,000*l.*, I considered it worth a great deal more money. It is not first-class arable land, but it is a very pretty land, with a good deal of timber, and it is very prettily situated between the town of Egham and Sunningdale, which is a very picturesque place, and Virginia Water; it lies between those places. I should have thought that that land was then worth 100*l.* an acre; it is worth a great deal more now.

268. Mr. *Winn.*] I suppose that you do not know who bought that land?—I understood that it was bought by the neighbouring landowners.

269. In lots?—Yes.

270. *Chairman.*] Was it put up to auction?—It was not; I have always regarded it as a most desirable open space, within a hour and a quarter's ride of the Metropolis.

271. Mr. *Winn.*] Who sold that land?—The trustees of the poor, under the sanction of the Charity Commissioners, as Mr. Erle stated in his evidence in 1865.

272. *Chairman.*] Is this an example of the evils against which you wish to provide?—Yes; and it has caused a doubt with regard to the remaining common. We fear that any one of these open spaces may be one day sacrificed without coming to Parliament for an Act. I may tell the Committee how the proceeds of the 7,000*l.* have been applied. From what I hear, they do not do much good in the neighbourhood. I should say that the charity produces about 254*l.* a year, and the Virginia Water district receives 40*l.* a year for the poor; Sunningdale receives 10*l.*; Egham parish receives 30*l.*; the Dispensary at Egham receives 25*l.*; Englefield Green National Schools, 15*l.*; and the clerk for managing the charity, 5*l.*; that makes 125*l.* a year. The balance is accumulated for the formation of a building fund, and afterwards to maintain the boys, girls, and infants' school in Egham. With respect to the doles to the poor, it is hardly necessary for me to say, that not much good is done in that way with the money. The public would have been very much more benefited by having a free range over this ground with their families as was intended when it was appropriated and left open to them.

273. Then your judgment upon this matter is, that it was an unadvised arrangement altogether?—Yes; I am clearly of opinion that it was a sacrifice of a very valuable open space near the Metropolis, and that if it was desirable to deal with it, it should have been dealt with by Parliament.

274. Mr. *Winn.*] Is it within the 25 miles radius?—Yes; it is between the 20 and the 25 miles radius.

275. *Chairman.*] Then it is without the limit of the existing Act?—Yes.

276. But it is within the proposed extension?—I think so. Had it been within the limits, and had it been dealt with after this Act passed, it must have come as a special scheme before Parliament, and the rights of all parties would have been considered, and the value of the land would have been provided for by public sale; and I do not think that the inclosure would have taken place under such circumstances.

277. Is

277. Is any recreation ground reserved?—I believe not; there is nothing in the scheme relating to it. I have been told by an inhabitant of the parish that when the inclosure of the common took place, it was allotted so far from Egham, that the poor did not take recreation on it. That is an abuse of the Inclosure Act; the Commissioners appointed by the Act allotted the land for the poor at the furthest extremity of the parish from the town, so that it required a considerable walk to get to it.

278. Mr. *Winn.*] Was there any particular reason for that?—I am sorry to say that in every act of inclosure which I have looked into connected with our County, it is the same; it is the same at Weybridge, and at Byfleet, and at Walton-on-Thames.

279. I understood you to say that it was for cutting turves?—Whether it was for cutting turves, or whether it was intended that the parties should have access to the land for recreation, it has been in all cases reserved in an inconvenient portion of the parish furthest from the residences of the poor.

280. *Chairman.*] Can you state the dates of those Inclosure Acts?—The Inclosure Acts for Weybridge and Walton-on-Thames, and Byfleet, were all passed in 1800; the other Act was in the 54th year of George the Third.

Monday, 5th July 1869.

MEMBERS PRESENT:

Colonel Barttelot.
Mr. Bonham-Carter.
Mr. Buxton.
Mr. Thomas Chambers.
Lord George Hamilton.
Mr. Andrew Johnston.
Mr. Knatchbull-Hugessen.
Mr. Knight.
Mr. Henry Samuelson.
Mr. Frederick Stanley.
Mr. Rowland Winn.

THOMAS CHAMBERS, Esq., in the Chair.

Mr. Benjamin Scott, called in; and further Examined.

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281. *Chairman.*] You were saying on Thursday last, when you were examined before us, that you had, from circumstances, been induced to turn your attention very much to the expansion of the Metropolis, and the growth of its population?—Yes, I have.

282. Have you any evidence upon that subject which you would like to lay before the Committee?—I would wish to lay a few figures before the Committee, respecting the increase of the population as reported by the Census Commissioners in 1851. Those Commissioners went very largely into the subject of the population, and the rates in which it was increasing in the Metropolis, and from their figures, I am enabled to give the following evidence, with regard to the population of the Metropolitan Police District (that is the district marked pink on that map), including about 15 or 16 miles on the average from Charing Cross. In 1801 that population was 958,000; in 1811 it was 1,138,000; in 1821 it was 1,378,000; in 1831 it was 1,654,000; in 1841 it was 1,948,000; in 1851 it was 2,362,000; in 1861, the next decennial period on a somewhat enlarged district, a few parishes having been added, it was 3,222,000; in 1871, the next census period, the population (calculated on the same ratio of increase as has prevailed since 1801), will be 3,854,000, that is nearly 4,000,000. Calculating at the same ratio, which has been very constant indeed all through the period, namely, the ratio of 19·6 per cent. for every decennial period. that is to say, nearly 20 per cent.; in 1891 the population will be 5,513,000; in 1911 it will be 7,886,000; and in the census of 1921, which will be just 52 years hence, there will be 9,532,000 persons; that is possibly within the lifetime of some of those gentlemen who are now present, Fifty-two years is no very extended period for statesmen to look forward to, and at that period there will be 9,500,000 persons, within the Metropolitan Police area, assuming that the population increases at the rate of 19·6 per cent. every 10 years; and indeed the population of London will then be equal to rather more than one-third of the population of England and Wales at the present time,

283. Mr. *Winn.*] But not of the population to that time?—No, but of the population at the present time. There will be crowded within those limits, according to the ratio of increase, which has been very constant for 50 years past, a population equal to one-third of the inhabitants of England and Wales at the present time. Then, I wish to put before the Committee some evidence from the same Report of the Census Commissioners of 1851, respecting the "Density of population," and the increasing proximity of their dwellings, which is a very important matter to look to, with reference to providing fresh air for the people, or securing to them not less than now exists. As regards the "Density of population," there were, on an average, in 1801, nearly 394 square yards of land to every person in the Metropolis. This had fallen in 1851 to 160 square yards, being much less than half. In the half century the amount of land divided between the population had been reduced by considerably more than half. Then, as to the "Density of the dwellings" of the people, there were, on an average, in 1801, 2,784 square yards to every inhabited house in the Metropolis. This had fallen in 1851 to 1,234 square yards, being much less than half. As regards the "Proximity of the houses," a calculation has been made, that on an average the mean distance from house to house in 1801, distributing the houses equally all over the Metropolis, was 57 yards. This had fallen in 1851 to 38 yards.

284. You mean throughout London?—Yes, over the Metropolitan Police District. Then, as regards the "Proximity of individuals," the calculation is that, on an average, the mean distance of one person from another, placing them as soldiers would be posted, was, in 1801, 21 yards. This had fallen in 1851 to 14 yards. I have not had time to make a detailed calculation of what would be the proximity of dwellings and individuals at the present time, but I am now speaking of that which was in existence 18 years ago. In 18 years a very considerable change has taken place in the same direction, and I may say that if a calculation were made at the present time, it would be shown that both as regards houses and individuals, there is a considerably increased proximity. I calculate that in about 32 years, supposing that the same causes went on operating without any check (which I do not anticipate), houses would

would be, in fact, touching one another. The natural effect will be, not that persons will remain building in that district until that result is brought about, but that they will crowd out into the surrounding districts; and that is the principal reason why I urge upon the Committee the importance of extending the area of protection of open spaces, because 32 years hence, and long before that period, there will be a considerable demand for space for building outside the area which is protected by the Act of 1866. If the Committee will allow me, I will put before them diagrams by the Census Commissioners of 1851, in order to show upon paper the increased proximity of persons and dwellings between 1801 and 1851. (*The Witness produced the same.*) It is impossible to represent upon the same scale the existing proximity of individuals or of dwellings.

285. *Chairman.*] Have you considered the protection of the present Act as regards the map, so as to show how the Metropolitan Police District is situated with reference to the present limit?—(*The Witness referred to the large map exhibited.*) The Committee will see that it is not a uniform district; it extends protection rather more to the west than it does to the east. The outer circle, which is described on the map, represents a circle of 20 miles from the centre of London; the inner area, coloured pink, represents the Metropolitan Police District, which is identical with the limits of Commons' protection; it will be seen that it protects rather more on the western side of London than it does on the eastern side. The boundary is also very irregular north of the Thames; it extends to 20 miles, whereas south of the Thames it extends only about 16 miles. North of the Thames, in Middlesex, it extends to the extreme bounds of the parish of Staines, which touch, or very nearly touch, the 20 miles circle; they touch it within 200 yards. South of the Thames it is 16 miles, and in some parts it falls to 15 miles; and in others it is rather more than 15 miles from Charing Cross to the boundary. I thought that it would be desirable and fair to the Metropolis, that whatever the limits prescribed, or protected were, they should be to some extent uniform, and that perhaps the geometrical circle described on the map would be more equitable than the arbitrary limits of the Police District.

286. Mr. *Winn.*] Would it not be more important to have the limits with reference to the railways, because it might be more convenient to have a place 30 miles off, it it was conveniently situated with regard to railways?—That is a point which I have not myself considered, but it is a point which is worthy of consideration; but railroads are continually extending, and will very soon cover the whole of that district like a network. There is another statistical table which I wish to place before the Committee. The Census Commissioners in 1851 gave the relative "Proximity of the population" in the 11 census districts of England and Wales, and it will be seen that the Metropolitan District has a density of population which is quite unparalleled in any other part of England. The proximity of persons as to the distance of one person from another would average in

Wales - - - - -	157 yards.
Northern division of England	142 „
North Midland division -	128 „
Eastern division - -	127 „
South Western division -	124 yards.
South Midland district -	120 „
South Eastern district -	118 „
Yorkshire district - -	107 „
West Midland district -	100 „
North Western division (Lancashire and Cheshire) - -	67 „
London (the Metropolitan Police District) - - - -	14 „

So that the scale runs from 157 yards down to 14 yards, the latter of which is London, and which is considerably below any other district on the list. The object is to shew that London is the most necessitous district in this respect, and therefore should be treated exceptionally, as it has been treated by former legislation.

287. *Chairman.*] You have incidentally alluded to the circumstances that persons are likely to go to a greater distance from London to reside in consequence of the pressure of population; I believe that the recent Reform Act has acknowledged that circumstance in having extended the limit?—Yes; the Act for the Amendment of the Representation of the People, which was passed last Session, extended the limits for voting in London from 7 miles to 25 miles from the place of voting, and that was done avowedly by the House of Commons upon the speech which was made by Mr. Crawford, who showed that at the passing of the first Reform Bill, seven miles might be travelled in about an hour by the ordinary road conveyance, but that now a person could go out 25 miles in an hour; upon that reasoning Parliament extended the limits of residence of voters in the City from 7 miles to 25 miles from London. The same argument will apply as to reaching the Commons. Any one can reach them now within 20 miles of London by an ordinarily quick train in an hour from the centre.

288. In your judgment, would an extension of the radius to a distance of 25 miles be a reasonable extension for the prospective wants of the Metropolis for some time to come?—I think that it would be very reasonable, and I think that in all probability an extension to 25 miles would suffice for half a century. I am not contending for an absolute radius of 25 miles. I think that that is a matter which may be very fairly considered with reference to Commons and open spaces; but even an extension to 23 miles would be a very great boon to the inhabitants of London if they could have these open spaces protected by special legislation.

289. You are aware that formerly the policy of Parliament was to encourage inclosures for improving the cultivation of the soil?—Yes, that was the invariable policy; I see by all the Acts that it was so. The Act of 1836 was "An Act for facilitating the Inclosure of Open and Arable Fields in England and Wales," and the preamble of that Act says, that "it would tend to the improved cultivation and occupation of all the aforesaid lands within such parishes," and so on, cultivation is dwelt upon. The Act of 1854 recites, that "it is expedient to facilitate the inclosure and improvement of commons and otherlands now subject to right of property which obstruct cultivation, and the productive employment of labour." In the Act of 1852 there was something like a reversal of the policy; there was a restriction in the first clause of that Act with

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regard to wastes of manors being inclosed. Some additional restrictions were placed, marking, as it were, a turn in the tide. The first clause of the Act of 1852, putting it briefly, provides that no lands are to be inclosed without the previous authority of Parliament; the words are, that "notwithstanding the provisions in the said firstly recited Act, it shall not be lawful for the Inclosure Commissioners, after the passing of this Act, to give notice of their intention to proceed with the inclosure of any lands without the previous direction of Parliament, and no land shall be inclosed under the said recited Acts, and this Act, without the previous authority of Parliament in each particular case, as in the said firstly recited Act provided with reference to any waste land of any manor on which the tenants of such manor have rights of common, and other lands therein particularly mentioned."

290. Mr. *Knight.*] What is that Act?—It is the 15th & 16th of Vict. c. 79. There was a manifest expression of the opinion of Parliament in 1845, that however inclosures might be desirable (and that Parliament has never questioned) in agricultural districts, yet it was not desirable to inclose lands near to very populous places. That Act is the 8th & 9th of Vict. c. 118. The 14th clause of that Act is, "Provided also, and be it enacted, that no lands situate within 15 miles of the City of London, or within two miles of any City or Town of 10,000 inhabitants, or within two miles and a half of any City or Town of 20,000 inhabitants, or within three miles and a half of any City or Town of 30,000 inhabitants, or within 3½ miles of any City or Town of 70,000 inhabitants, or within four miles of any City or Town of 100,000 inhabitants, shall be subject to be inclosed under the provisions of this Act, without the previous authority of Parliament in each particular case." Then came the inquiry by the Select Committee of 1865, in which the report was very decided against inclosing near London; and then came the Act in 1866, founded upon the recommendations of that Committee, which is the Act which is now laid before this Committee for amendment, or rather which is brought before Parliament for amendment and extension. That Act provides, not for extending 15 miles in a circle as recommended by the Committee of 1865, but it provides for protecting the Metropolitan Police District. The Act is the 29th & 30th Vict. c. 122. Perhaps I may be allowed to refer briefly to the report of the Committee, in order to show what was their opinion. It was a very important Committee, consisting of 21 Members, and they recite that, "in early times the great extent of the commons and waste lands in England was regarded as prejudicial to the public, on whose behalf it may be fairly assumed that the Legislature acted in facilitating their inclosure, in order that agriculture might be promoted and the whole country benefited by an increase in the produce of the land;" further on they state, "The long continuance of the practice of the inhabitants of London to resort to open spaces for recreation, and its decided tendency to promote their health and happiness, and to draw them away from pernicious amusements, appear to your Committee sufficient reasons, apart from the mere legal questions of the case, why the Legislature should decline to sanction any measures which may indirectly deprive the public of the advantages they have so long enjoyed, and the necessity for which is daily increasing. Altered circumstances and increased population may well justify an extension of the law; and whereas formerly, in a comparatively thinly-populated country, nothing was thought of but the advantage to be derived from increased culture, now, in consequence of the rapid growth of towns, the public interest in keeping open such commons as exist near towns deserves the attention of the Legislature no less than the purely agricultural interest of former times." "As to the rights of commoners, they appear to them to have been, and to be, the great safeguard against inclosures, and not to have been detrimental to the public. For these reasons, in the case of the Wimbledon Common, your Committee reported in favour of their maintenance, and they recommend the same course with respect to the open spaces generally in the Metropolitan area, and your Committee would recommend that some system of registration for the rights of commoners should be devised, so that they may not lapse by non-user." "Various witnesses have concurred in the opinion that these commons are most suited for public enjoyment in their natural state without the appearance of artificial cultivation." The Committee conclude by saying, "That the powers which they recommend Parliament should confer are not those of sale or compensation, as contemplated by Sir John Thwaites and Mr. Wingrove Cooke, nor are they disposed to recommend the levy of an additional tax on property, or on the inhabitants of the Metropolis, without having first tested the capabilities of the various localities." They recommend, in short, that the thing should be left in a condition of *statu quo*, as regards the rights of the lords of the manors and the commoners, the rights of the commoners are beneficial as tending to keep open these places, and that in every case of inclosure within the protected district, a special Act of Parliament should be obtained; in fact, it leaves the rights just as they now are.

291. *Chairman.*] That is to say, subject to an application to Parliament?—Yes.

292. What opinion have you formed with reference to the sufficiency of the publicity which is given to a proposed inclosure?—My experience with reference to several open spaces, in which I have had a personal interest, is that no sufficient publicity is given, and that the first really public notice is the appearance of the Bill when it is proposed to be read a first time in the House of Commons.

293. Mr. *Winn.*] Surely you do not mean to make that statement with reference to ordinary inclosures?—I am rather speaking of Metropolitan inclosures; I am not giving any evidence upon the ordinary policy of inclosure. A common very nearly adjoining my residence, namely, Ockham Common, was inclosed in 1863, and I have not yet found any inhabitant aware of the subject, although it has been a matter of discussion for six months past. The practice is to put notices on the church doors, and if the church is frequented only by the rural community, then the outside world hear nothing of the matter until the Act is passed. In the case which I have mentioned, it is only put in the schedule of the Act.

294. Mr. *Knight.*] Was Ockham proposed to be inclosed by a special Act, or under the general Act?—Under a general Act.

295. How many miles is Ockham from London?—Measuring by the radius it is about 20 miles;

I gave evidence before the Committee on the Wisley Common Inclosure. Wisley Church is a wooden structure inclosed by a farmyard, and only attended by some of the labouring classes. No sufficient publicity was given in that matter.

296. Is Ockham Common of any value as agricultural land?—No, it is only valuable as occupation land; it is picturesque land, but it is poor land. The inclosure of Ockham is effected, and an application has been made in the case of Wisley; I do not attend to give any evidence in those cases, but on the very much larger question; I think that Wisley might be treated as an exception, because the parties gave their notices and incurred expenses; but there are a great many open spaces in the neighbourhood which are frequented by the inhabitants of the Metropolis, who come down on a Sunday and spend a very much quieter day there than they would do by frequenting places of amusement and refreshment in the Metropolis, and I think it extremely desirable that those places which afford the means of fresh air and recreation, and of communing a little with nature, should be preserved to the poor.

297. *Chairman.*] Is Egham in your neighbourhood?—No; I have not any great personal knowledge of Egham. I told the Committee all that I knew of it at the last meeting. Weybridge, and Walton-on-Thames, and Byfleet Commons are in my immediate neighbourhood, and they require protection.

298. Mr. *Bonham-Carter.*] Have you been able to obtain the titles of the Acts to which you referred in your former evidence, in which large spaces have been set aside for the poor?—I have laid my hands upon the Weybridge and Byfleet Acts, but I may state that I believe that the Walton Act is almost identical. I have not been able to lay my hand upon that Act. I have the Act of 1800, which is the 39th & 40th George 3, chapter 87, "An Act for dividing, allotting, and enclosing the open common, fields, meadows, and pastures, commons and waste lands, in the parishes of Byfleet and Weybridge, and manor of Byfleet, with its members in the county of Surrey."

299. Mr. *Knight.*] What was the extent of waste land to be inclosed?—It is not recited in the Act, but it was very large indeed, and I can state that the map which was exhibited to the Commissioners does not show these inclosures at all.

300. The amount was several thousand acres?—I think so, certainly.

301. Will you read the preamble of that Act?—"Whereas there are certain open common, fields, meadows, and pastures within the parishes of Byfleet and Weybridge, and manor of Byfleet, with its members in the county of Surrey, and also divers commons and waste lands in the said parishes and manor, but the parts and proportions thereof belonging to the respective parishes are unknown or lie intermixed and open to each other, but are all within the said manor: And whereas the King's Most Excellent Majesty, in right of his Crown, is lord of the said manor of Byfleet with its members, subject to a grant or lease thereof now vested in his Royal Highness Frederick Duke of York: And whereas his said Majesty is patron of the rectories of Byfleet and Weybridge aforesaid, and the Reverend George Sewell, clerk, is rector of the parish and parish church of Byfleet aforesaid, and as such is entitled to all the tithes, both great and small, arising within the said parish, or to certain compositions in lieu thereof, and likewise to a rectory house and glebe lands in Byfleet aforesaid, and right of common in respect thereof, and the Reverend Francis Haultain, Doctor in Divinity, is rector of the parish and parish church of Weybridge aforesaid, and as such is entitled to all the tithes, both great and small, arising within the said parish, or to certain compositions in lieu thereof, and likewise to a rectory house, and glebe lands at Weybridge aforesaid, and right of common in respect thereof: And whereas his said Majesty (subject to certain grants or leases heretofore made and now subsisting) and his said Royal Highness Frederick Duke of York, the Right Honourable Charles Earl of Portmore, Robert Sparks, and George Paine, Esquires, and several other persons, are owners and proprietors of the said open common fields, meadows, and pastures, and of divers messuages, cottages, lands, tenements, and hereditaments in the said parishes of Byfleet and Weybridge, and in respect thereof, or otherwise, are entitled to right of common upon the said commons and waste lands: And whereas the lands and grounds of the respective proprietors on the said open common fields, meadows, and pastures, lie intermixed and dispersed in small parcels, and the same, and also the said commons and waste lands in their present state, are incapable of much improvement, and it would be of great advantage to the several persons interested if the said open common fields were divided and inclosed, and the said meadows and pastures divided, and specific parts allotted to the several proprietors thereof in proportion to their respective property therein, and if the said commons and waste lands were divided and inclosed, and specific parts allotted to the several persons interested therein, according to their respective rights, and if allotments were made in lieu of the tithes of the said commons and waste lands in manner hereinafter mentioned, but such division, inclosure, and allotment cannot be established without the aid and authority of Parliament."

302. Mr. *Bonham-Carter.*] Can you tell us the area which was dealt with by that Act?—It is not stated in the Act, but I have no doubt that it was many thousand acres; it extended, I believe, over St. George's-hill.

303. The Crown was lord of the manor?—Yes.

304. And that proves what you have stated, namely, that the Act not only dealt with commons waste of the manor, but with common fields as well?—Yes; and they are dealt with separately in the Act.

305. Is the allotment which is set out for the poor set out in respect of the common waste of the manor, or of common fields?—It is provided for by the 35th clause, which is as follows: "And whereas it is intended to give and allow to such poor as are real and true occupiers of cottages within the said parishes, a share and interest of and in the said commons and waste lands in respect of their occupation thereof and residence therein only, as hereinafter mentioned." It then directs 40 acres to be set out in Byfleet, and 75 acres in Weybridge, to the use of the poor.

306. Will you read the words?—"Be it therefore further enacted, that the said Commissioners shall, and they are hereby required, in the next place, to set out and allot distinct parts and parcels of the said commons and waste lands hereby directed

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directed to be inclosed, exclusive of all roads and ways in and over the same, in the several proportions following; that is to say, in the said parish of Byfleet 40 acres, in one or more piece or pieces, and in such place or places as the said Commissioners shall think proper; and in the said parish of Weybridge 75 acres, in one or more piece or pieces, and in such place or places as the said Commissioners shall think proper, which said distinct parts and parcels of the said commons and waste lands so to be set out and allotted shall be and remain to and for the use of the real and true occupiers only of cottages standing and being within the said parishes respectively, the yearly rent of which shall not exceed 5 *l.*, and having no other house or place of residence, and such occupiers for the time being shall at all times afterwards have the sole and exclusive right of using the said parts and parcels of the said commons and waste lands so to be set and allotted for the purpose of pasture and of cutting turf, furze and heath for fuel, in equal proportions, according to the number of the said houses and cottages, without paying anything for such use;" and then the allotments are made over.

307. They are vested in trustees?—Yes, who are to be elected, and so on, and there are clauses which provide for inclosing and ring-fencing the several portions of the manor which are thus set out for the poor, and for other parties, and for charging for the expense of such ring-fencing; and there are powers in the Act for selling some of the land to pay for the ring-fencing; but the fact is that such lands have never been inclosed.

308. Is that power of selling this land still operative?—No, I think not; there are no powers which are operative. The Commissioners were to inclose and to ring-fence, and to raise the money; they are all gone; their report was made 50 years ago, and there is no power left. The land is literally, as to the soil, without an owner, because the Act recites that all the rights of the Crown, as lord of the manor, shall be satisfied by the proportion of land which the Crown is to receive. Therefore it is a piece of land which is subject to the rights of the poor, as regards cutting fuel, and so on.

309. Was it not vested in the trustees?—Yes.

310. Then they are the legal owners?—Yes.

311. And in your opinion they would be bound to maintain the rights of the poor?—Yes, but they have no powers of ring-fencing under this Act, and such powers have never been attempted to be put in operation, and what I am contending before the Committee is, that either by neglect or by intention (we cannot know which), the Commissioners did not ring-fence the poor's land, but left it open. The poor have never sought to have it inclosed. The trustees have never sought to have it inclosed; and here is a piece of open land left which is of a very picturesque character, but very worthless for the purpose of cultivation; in fact it is a heath, and we think that it ought to have the protection of such an Act as this, and that it should be included by some terms in the Act, so that it should not be wantonly leased away, and that the public should not lose the chief benefit of it. It is a breathing space within an hour's ride of the Metropolis.

312. Mr. *Knight.*] What is there upon that land?—There are heath and gorse, and fir trees grow naturally upon it; they are self sown; they are always springing up, and the poor cut them down.

313. Mr. *Bonham-Carter.*] These are open spaces, one of them, as you state, at Weybridge, being near to a station?—The railroad runs through the middle of them.

314. You stated that there were no owners; can you state to whom the railway company who took this land paid the money?—I believe that it was paid to the then existing trustees, and that they appointed one or two persons to administer it. I have heard from Mr. Locke King that he is one of the trustees.

315. Then, would there not be a money fund at this moment available for the improvement of the common?—There is a small money fund now in existence.

316. Would not it be available for fencing?—I do not think that it could be legally applied to that purpose; I imagine that it must be given to the poor.

317. Are not the words of the Act, that it is for the use of the "real and true occupiers of cottages," at or under 5 *l.*?—They are the only beneficiaries.

318. Are not the words of the Act that "such occupiers for the time being shall at all times afterwards have the sole and exclusive right of using the said parts and parcels of the said commons and waste land so to be set and allotted for the purpose of pasture, and of cutting turf, furze, and heath for fuel"?—The poor are the sole beneficiaries; there is no pasture, but they exercise the right of cutting turf and fuel.

319. In fact, these wastes were set out specially for the sole use of the poor of those two parishes?—Yes.

320. Are there many persons who are beneficially interested at the present time by being occupiers of cottages under 5 *l.*?—Not very many; but I state that, as a practice, the whole of the inhabitants of the district have ranged freely over these commons, and I contend that they have acquired those rights.

321. As against that Act of Parliament?—As against that Act of Parliament, by an implied dedication for that purpose by all parties declining to inclose.

322. Do you give that opinion as being in the legal profession?—No, I am not giving it as a legal opinion.

323. Here is an Act of Parliament which distinctly states that these waste pieces of land are to be fenced in, in the first instance, by trustees?—No, it is provided that they may be fenced in at the discretion of the Commissioners, but the Commissioners did not exercise that discretion of fencing.

324. Then am I to understand that, in your opinion, the laches of the Commissioners have in fact forfeited the rights of the poor?—No; the laches of the Commissioners and the laches of the trustees through all these years have prevented the inclosure of the space. There were on a valuable common the rights to cut turf and fuel, but all that remains is a dole to the poor.

325. Mr. *Knight.*] What would that land let for, supposing that it were let?—There is no doubt that it is now very valuable building land, and it is very likely to be looked after, and that is a reason why Parliament should protect it. I contend that it is a fortunate circumstance for

for the Metropolis that there are particular pieces of land without owners who can deal with the soil.

326. Mr. *Bonham-Carter.*] But does not the Act state, in the first instance, that these parcels of commons and waste lands "shall be and remain to and for the use of the real and true occupiers only of cottages within the said parishes"?—Yes, for the purposes stated.

327. In the first place, the Act states that without limitation, does it not?—No, I think that it is limited by the words that follow. It has never been contended that the poor have any right whatever except from doles, or the right of cutting fuel, or the right of turning out a donkey, or anything of that sort, upon the common; that is the only right which has been exercised since the passing of that Act; no one has claimed to exercise any right over the soil.

328. I believe that there was a proposal made by some of these parties to inclose one of these commons?—Five or six years ago there was correspondence with the trustees upon the subject. I was one of the trustees, and I refused to entertain anything of the kind, and I think that Mr. Locke King also refused.

329. As a trustee of the poor of one of these two parishes, you thought that it was a fair exercise of the trust, that the land should be kept open for the general public?—Yes.

330. You considered the general public as being beyond the parishes for whom you were trustee of the property?—I looked at it in a broad way; I apprehend that, in a legal point of view, the inhabitants of Weybridge would have a prior claim to the land.

331. Were not you a trustee for the poor?—Yes.

332. In this case there was reason to believe that the poor did not desire the inclosure?—Yes.

333. But supposing that the poor had desired the inclosure, and that this property, which you say is worth many thousand pounds, would, in your opinion, have been benefited by the inclosure, would you not have advocated that view?—No; I think that the poor are not really benefited by this arrangement. I think that the doles do a great deal of harm; they go to squatters, who are thus encouraged to come upon the land.

334. The original dedication was for the advantage of the poor of these parishes?—Yes.

335. And your opinion is, that without any payment to the poor, the public of the Metropolis ought to have a right to go freely over this ground in any number, because no fences have been put up either by the Commissioners or by the trustees, for a period of 70 years?—I think that the poor of Weybridge and Byfleet have the first right to range over that ground, and to use it in every proper and legal way, but I think that the inhabitants of the Metropolis may also use it without any detriment to the poor of Weybridge and Byfleet.

336. Supposing that you, as trustee of the poor, had been approached by certain of the poor, who said that the frequenting of this place by large numbers of people interfered with the rights of the poor, should you not, as trustee, have felt bound to prosecute any person so coming on the ground?—The matter has never been so entertained by the trustees. They have power to expend a portion of the poor's rates for protecting the land, but I have never heard of anything of the sort being done.

337. Then would not the simplest way of attaining the object be to fence the land?—The Act of Parliament provides another fund for fencing it. The charge upon the poor rate is for managing it, and I think that the words are "for preventing nuisances." Towards the close of the 35th clause of the Act of 1800, it is enacted that a majority of the trustees, "shall have full powers to make orders and regulations for the use, management, draining, levelling, and other improvements of and for the stints of the commonage thereof, and for the protection and preservation of the herbage, turf ground, and soil thereof, and for the employments and appointments of proper persons to execute such rules and orders, and to overlook the said lands, and to impound cattle which shall be found trespassing thereon contrary to such regulations, and to order payment of all necessary expenses thereby incurred, not exceeding in any one year the sum of 10 *l.*, out of the rates made for the relief of the poor of the said respective parishes."

338. Then do you, as a trustee, think that the power which is given by that clause for the maintenance and preservation of this space, would not entitle you to spend what money you had for preventing a nuisance by inclosing it?—It has never been contended that the trustees have such a power.

339. Is it your opinion that that clause does not give you that power?—It has been so contended; and I may add that if it has given the power to the trustees it is a stronger evidence that they did not mean to inclose, but rather to dedicate the land to the free range of the inhabitants of the parish.

340. I observe that, in your former evidence, you contended that these poor's lands had been designedly dedicated to the use of the parishes and the neighbourhood?—Yes.

341. I was anxious to elicit whether there was anything in the Act which defined the parishes or the neighbourhood; I understood that the right was given to certain cottages?—Yes.

342. Then are you right in saying that the neighbourhood was at all included under the Act?—Yes; it comprehends all parties within the manor of Byfleet, which extends over both parishes.

343. Are the occupiers of cottages who have this right in Weybridge also cottagers in Byfleet?—I apprehend that in setting out the lands there is a division or distinction, so that the rights of the cottagers in Weybridge are enjoyed and exercised in Weybridge, and that the rights of cottagers at Byfleet are exercised at Byfleet.

344. At present there is a cutting of turf, regulated by the trustees?—A cutting of fuel; there is no turf; it is a sandy heath; they cut the heath and the gorse, and sell it to the bakers for heating their ovens. There are self-grown Scotch fir trees; it is fuel, as Parliament has stated by clause 35 of the Act of 1800, which contains the words, "cutting turf, furze, and heath for fuel."

345. Is not the turf pared in the usual way in which it is pared in open wastes for fuel?—Turf is only found on the sides of the roads, and it is usually cut for the purpose of laying down gardens, and I am told that the produce goes to the fund for the poor.

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346. Are you not aware that in many parts of England the surface has been taken for two or three yards, and that that is called turf?—That is not the case in this dry heath; I do not contend that the inhabitants of the Metropolis have any right to cut anything upon the common, but I contend that they have the right, as it has been kept open for nearly 70 years, of free range, and that no action of trespass would lie against anyone for so doing.

347. You are one of the trustees for the poor, under certain defined rights set out by the Act of Parliament?—I was a trustee a few years ago; I am not certain whether I am so now. There has been a scheme adopted, the legality of which has been disputed in the neighbourhood.

348. There is clearly no right to build upon this ground?—There is no power to do so.

349. Does not it appear from the Act of Parliament that whilst the ground is kept in its present state for the purposes of the cottagers, the trustees ought to proceed against trespassers who may injure the rights of the cottagers?—That question has not arisen; the land is such that walking over it or pic-nicing upon it does not injure it; there is nothing there which would receive any injury from any member of thousands of people. The volunteers are exercised upon that ground, and they have occasionally sham fights there in the summer months.

350. Are there not a large number of self-sown firs upon it?—Yes, Scotch firs.

351. Then, if at this period of the year a thousand people came down from London and walked over the common, do you mean to say that the growth of those young shoots would not be liable to very considerable damage?—I do not think so; they are self-sown, and they spring up faster than the cottagers can cut them down.

352. Will not that common hereafter, unless the trees are cut, become probably one wood?—They are constantly being cut away, they grow self-sown, and they are always being cut down.

353. Am I to understand you to say that from the nature of the soil, and the products of the soil, any number of persons going over it can do it no harm?—I do not think that any moderate use of that common would do it any harm; it would still be a wild heath.

354. When you say any "moderate use," how can you draw any distinction between a hundred people of the parish going upon it, and an excursion train bringing down a thousand persons from London?—At present no damage whatever has been done; I have seen 200 persons upon it.

355. Should you not feel that the poor, being the persons who are your cestui que trust, you should see that their property is not damnified by the inundation of large bodies of people?—If that difficulty arose, no doubt the trustees would feel some responsibility with respect to it.

356. Are not the trustees bound to protect the poor from such interference as may prevent their being deprived of the full value of this common which is allotted to them?—I apprehend so; but they have no powers to inclose, those powers having expired.

357. Then, am I to understand you that the clause which enables you to drain and level, and to prevent nuisances, does not inferentially give the power to fence, if it is for the benefit of the parties?—In my opinion it does not; I never heard of any power to inclose; it provides the amount of 10*l.* a year only.

358. Then, whatever rights the poor had at first in those two commons, you think that, partly by the laches of the Commissioners, and partly by the laches of the trustees, those commons are liable to be freely walked over by the general public from London, or by anybody else?—Yes; I have no hesitation in saying that that is my opinion.

359. Are you quite sure that an action of trespass would not lie?—I am quite of opinion that it would not, or it would long since have been tried. With reference to Walton Common, a society in London has built a very large Convalescent Institution there, the front of which is on the common, and that is the recreation ground of the poor creatures who come from the hospitals; it is a very delightful space for them, they do no harm, and they get an immense deal of good there.

360. Then, in your opinion, these commons, which were intended to be for the benefit of the poor, have, by some lache or other, inured to the general public?—The poor can cut fuel, and they also have the interest which has been given to them in doles; and in Walton parish they have some small portion set out in allotments, which they cultivate, but the remainder has never been inclosed, but is set out as waste land.

361. You said that these lands were designedly set out for the neighbourhood; what was the design?—The Commissioners have not inclosed; the trustees have never inclosed; and the poor have never asked for inclosure; and I believe that all parties desire those lands to be kept open for recreation, and I believe that all parties derive advantage from it.

362. Quite admitting the importance of maintaining open spaces, is there not another open space to which you have referred, namely, Wisley Common?—Yes.

363. You were examined before the Committee on Wisley Common, which sat this year?—I was.

364. And at that time the question was more with reference to the rights of the neighbourhood?—I gave evidence with reference to the rights of the neighbourhood, and also with reference to what I considered to be the rights of the inhabitants of the metropolis, or what was to the advantage of the metropolis; I did not put it in the way of right.

365. You have given us evidence as to the immense and rapid increase of the population of London?—Yes.

366. Is not the result of that immense increase an immense enhancement of the value of land in London?—It is raising the value of land in London, and all round London; no doubt that is the operation of the increase of the population.

367. Might not the inhabitants of a parish 20 miles from London think it very hard that land which is worth many thousand pounds an acre, should not, if the inhabitants of London desire recreation ground, pay for that recreation ground?—That is a question upon which I have not given any evidence at present, and I have given very little consideration to that subject. The report of 1865, opposes the idea that there should be any purchase of ground, but rather suggests that Parliament should leave as they are the rights of lords and commoners, in order to keep these places open as long as they could, and that they should not grant them undue facilities for inclosure.

368. You

368. You state that Wisley Common is frequented by persons who go there for recreation?—That is so.

369. But not very much from the Metropolis, as I have understood from your evidence?—Not very largely, it is two and a-half to three miles from Weybridge Station, and about the same from Walton Station.

370. Should you be surprised if I told you, that on Saturday afternoon I was there, and that I did not see a single person in the whole length of Wisley Common?—I think that it is quite possible that at times it is deserted in that way. There is no doubt that it is not very largely frequented. If a railroad were made near it, it would be a very favourite place with the inhabitants of the Metropolis. Saturday last was the annual Walton regatta, which drew away the people in another direction.

371. Do you think that the introduction of a railroad into a district from London gives the public an additional right or claim to the use of an open space?—I think that it gives the inhabitants of such a densely peopled Metropolis as this, not a right, but a claim upon Parliament, that they should not be too free in making inclosures. I think that it gives them a claim upon Parliament, that Parliament should not take away a common from anybody who possesses it.

372. In Question 368 in your evidence before the Wisley Common Committee, you stated that "in the spring and summer months the whole of the inhabitants of the neighbourhood, who have carriages and horses, take exercise there"?—Yes.

373. Do you think that the inclosure of these commons should be refused for the sake of persons who have carriages and horses?—No, I have put it upon the broad ground of a very large, and dense, and increasing population, and that on that account there should be no undue inclosure of these commons, which, I might almost say, providentially, are placed round London as breathing spaces. There are certain reasons which distinguish Wisley Common from other commons; parties have taken steps under the existing law to inclose it, and have expended money in so doing.

373*. We are inquiring into the operation of an Inclosure Act, as to inclosing lands within 25 miles of London; is there anything so exceptional with regard to Wisley as that what operates within the same distance upon other commons, should not operate upon it?—Yes, because they have permitted the owners to apply and to take certain steps, and to expend money, which in other cases has not been done, and therefore you are called upon as legislators to consider whether you should not afford protection to commons where no expenditure has been made. I think that it might be a fair question, whether if you extended the limits, Wisley Common should not be made an exception. I think that it would come within the 21 miles limit.

374. In your evidence before the Wisley Common Committee, you state that it is principally used by the inhabitants of the neighbourhood, who have carriages and horses, and take exercise there; and in the next answer you say that there are gentlemen who use it even more than you do; gentlemen who hunt upon it?—Yes.

375. Do not gentlemen hunt upon private inclosures as well?—They are not so convenient for hunting as an open space; I believe that I said that, because some gentlemen were present who were accustomed to hunt over it, and I believe that they had been successful, more or less, during the last winter upon Wisley Common.

376. Do you advance that as an argument why the public should be considered in such inclosure?—I think that all these things should be considered by Parliament; I am not opposing any rights of the lords and commoners; I merely contend that you should consider all these points.

377. You stated that the land, if inclosed, would probably be worth 500 *l.* an acre?—No, 100 *l.* an acre; I said that some land close to the railroad at Weybridge, was worth 500 *l.* an acre. I think that I estimated the land at about 100 *l.* an acre, which estimate was confirmed by the surveyor of the Board of Works; that is to say, for occupation land, not for agricultural purposes.

378. Supposing that a small number of the commoners comply with the requirements of the Act of 1845, and by so doing are empowered by the existing law to realise a property which may be worth from 100 *l.* up to 500 *l.* an acre, do you not think that it is rather hard to step in at the present time, and prevent them from inclosing a common which you say is not frequented from the Metropolis?—I have not proposed anything to prevent their inclosing, they can inclose if they have agreed to inclose.

379. Am I to understand you that you wish to exempt these commons from the operation of the Act of 1845?—Yes.

380. Would not the effect of that exemption be to prevent the owners of these commons from being the possessors of property, which may be worth as much as 500 *l.* an acre?—No, they would still have the power to do so; my proposal only says that if they want any power from Parliament, they shall come to Parliament with a special Bill.

381. It would prevent them in so far as the expense of a special Bill in Parliament would be a bar?—With reference to land which is so valuable, I think that the expenses of an Act of Parliament does not deserve consideration. I think that the public are entitled to the requirement that there should be an application to Parliament for the purpose; I think that there is a good deal of misunderstanding as to what is proposed by this Bill; it is not proposed I am sure by myself, and I have not heard of anyone else who proposes it, to take away any existing right from any lord or commoner, but merely that in a general Bill you should not give them powers, which in a matter of this importance should be sought in a private Bill.

382. Has not the practice for nearly the last 25 years been, that unless there has been some miscarriage of justice, the inclosures which have gone through the proceedings laid down by Parliament, have, as a rule, been made?—There have been very many complaints about the practice; I cannot bring them before the Committee, but I have had many letters upon the subject.

383. You state that Wisley Common is a very retired common?—Yes.

384. And that there is nothing to be compared to it in respect to its picturesque beauties, and retired advantages; how can the retired advantages

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vantages co-exist with the influx of a large number of people?—I have not stated that a large number of people resorted to it. Until it is further developed, and, until a railway approaches it, it is too far from a railway station for any great number of persons to frequent it.

385. Would not those retired advantages be entirely lost if it was brought within access of a great number of people?—I think not, because there are very beautiful clumps of firs which make it desirable for the visit of pic-nic parties, and so on.

386. But has not the lord of the manor the right to cut all those firs?—Yes, the lord or the commoners.

387. Would you confer upon the public the right of maintaining a different standing?—No; I am merely contending for leaving all rights just as they are. I should be perfectly satisfied if everybody was left to his rights, and if Parliament did not interfere.

388. Do you contend that the public have the right of free access to the whole of Wisley Common at the present time?—I think so.

389. Do you think that an action of trespass would not lie against onyone going over the soil of Wisley Common, otherwise than over the highway?—I am quite sure that such an action would not be successful. It has been common land since the time of the Conquest, and nothing of that sort has ever been attempted.

390. Do you mean that, supposing you were to go upon that common, for instance, to sport, you could not be prevented from doing so?—I do not include sporting. I do not contend that the public have any right to sport upon the common, but they have the right of ranging over it, and walking across it, that is to say, the inhabitants of the immediate neighbourhood, they cannot carry a gun.

391. You do not think that their ranging and walking over the common would be any infringement of the right of the lord?—I do not think that it would be any infringement of the right of the lord, or any of the commoners.

392. With regard to Wisley Common, you state that the lowest figure which it would be worth would be 37,000*l.*, if inclosed?—I consider it of that value.

393. You think that, practically, the public have the right, when the Inclosure Act has authorised the inclosure of these commons, subject to the opinion of the House of Commons, to step in and say that the four or five owners of this common shall not realise this 37,000*l.*?—I have not said that; I say that if they are the sole owners, they have the full right to inclose the common, they can do so without coming to Parliament, but what I contend is, that if there is any disability, or anything which requires an Act of Parliament, Parliament should be very careful in conceding those powers.

394. But would you keep the common practically open, or would you say, "We give you certain privileges in this common, but the whole of it must not be inclosed"?—I should prefer the common being kept open, and the commoners being left to their rights.

395. Do not the owners of the adjoining properties now give the public very free access?—Yes, they are extremely liberal in that matter, and Mr. Buxton particularly.

396. Your objection is that that may he put an end to at any time?—Yes.

397. But you think that the public have acquired such a right over Wisley Common, and other similar commons, that you think that Parliament ought not to allow those commons to be inclosed upon the satisfaction of all the rights which could be maintained in a court of law?—I have contended not that the inhabitants of the Metropolis have a right, but that they have a claim, upon the consideration of Parliament in conferring these powers which are sought.

398. Mr. *Buxton.*] Is it not the fact that there are no persons, or very few indeed, who have any legal right at Weybridge over the enjoyment of that common, because the rents of all the houses are more than 5*l.* a year?—There are very few persons left who have tenements of 5*l.* a year or under.

399. Do you know whether there are any at all?—Yes, there are some.

400. But they are very few in number?—Yes.

401. Did not the Act of Parliament give certain specified rights for the poor?—It did.

402. It defined what those rights were to be?—Yes.

403. Will you read again what the rights of the poor were to be?—"And such occupiers for the time being shall at all times afterwards have the sole and exclusive right of using the said parts and parcels of the said commons and waste lands, so to be set and allotted for the purpose of pasture, and of cutting turf, furze, and heath for fuel, in equal proportions, according to the number of the said houses and cottages, without paying anything for such use."

404. Therefore, the Act of Parliament did not give those poor persons any right to the freehold of the common?—No, I apprehend not.

405. It gave them certain advantages which were laid down specifically?—It gave them what in law is called the usufruct.

406. There is no claim in law founded upon anything beyond the advantages which that Act defines?—No, I apprehend that the freehold is in the trustees.

407. Do you not think that those few persons who live in houses in Weybridge of a rental below 5*l.*, would really suffer by having the land fenced in and sold for building land; that it would give them an enormous annual dole which would make it unnecessary for them to engage in any sort of industry, and would probably demoralise them exceedingly; and do you not think that it would probably have the effect of drawing a flood of paupers into the district, if such a thing was in prospect?—I think that that would be the effect of it; that the doles would be so large that it would draw in paupers from all the districts around; that is to say, squatters, who would build hovels; in fact, it has operated in that way in Walton parish to a large extent. With reference to that question, a Bill, I believe, has gone through this House, namely, the Endowed Schools Bill, which renders those doles applicable to educational purposes; but I should state that that Bill excepts the soil, and does not allow the soil to be dealt with; it states that no inclosure of open spaces shall be made under that Act.

408. Is it not a great inducement to wealthy people to live at Weybridge because there is so much uninclosed land?—Yes, it is an attraction to such persons, and the poor are supported and employed by the wealthy inhabitants.

409. So

409. So that the poor do derive advantage from the open land?—Yes; that question was discussed at a vestry meeting, and it was put before the poor, namely, that the great advantage to them was from the wealthy inhabitants coming and spending money amongst them, and employing them.

410. So that the poor derive advantages from a proper arrangement with regard to that common?—Yes.

411. You do not think it likely that any vast multitude of people would come down to destroy the young trees, and to kill all the heather, or anything of that sort?—We have never experienced anything of that kind, and the only thing that I can conceive possible would be a prize fight; and that is so public a place that I do not think that that is likely to occur.

412. Are you aware that noblemen and gentlemen near London have allowed the public to go into their parks, and to go there for many years, and have never indicated that they have found any reason to be dissatisfied with it?—That is the case particularly in the neighbourhood of Weybridge. Lord Ellesmere did so during his life, and Lady Ellesmere allowed free range over St. George's Hill, subject to proper restrictions. The same thing is done to a certain extent by Captain Egerton, and the same thing is done by Mr. Buxton.

413. Are you aware that Lord Salisbury allows any persons who please to come into Hatfield Park?—I have understood so.

414. And are you aware that no damage has been done?—I have never heard any complaint except at times a brass band has come down, and regulations have been made preventing the allowance of anything of that kind on the ground.

415. So that there is no reason to think that the interests of the poor suffer?—I have not any idea that they suffer, or that they make the least complaint of the kind. I have one of these poor people in my employment.

416. Mr. *Johnston.*] Are you aware that almost 20 years ago there were so few cottages in Walton of a rental under 5 *l.* a year, that the late Sir Henry Fletcher built cottages at that rent in order that they might be inhabited by poor people who might qualify for those doles?—I have heard so.

417. You say that there are still some persons in the neighbourhood of London who pay these small rents; do you not think that in a few years there will be none at all?—That would be the case if there were not parties who let cottages at such a rent that the occupiers may have the advantages of the dole.

418. Would it not be an absurdity to give to so very few persons the exclusive benefit of this land?—It would be absurd, because it would lift them from indigence to competence, and they would cease to be "poor." The effect would be to bring a large number of squatters into the neighbourhood, as has been the case to some extent already.

419. Who was it that, five or six years ago, wanted you to inclose these commons; was it a building speculation?—No; I think that it proceeded from some person in the parish who was in communication with the Charity Commissioners, and they thought that it would be beneficial to make a charity of it.

420. You have mentioned the Report of some Committee who recommended the establishment of a registry for commoners of their rights?—It was the Committee of this House in 1865.

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421. Has anything been done in that respect?—No.

422. Lord *George Hamilton.*] From your general experience, you think it desirable to extend the Metropolitan Commons Act?—Yes, to such a limit as the Committee think fit.

423. Do you suggest to the Committee that they should except certain commons?—I have only mentioned Wisley Common as an exceptional case. The parties interested had acquired some right, and I thought that they might be exempted if the limits were extended so as to include Wisley. I think that then Wisley might be an exceptional case.

424. You think that if the Metropolitan Commons Act were extended there would be cases where it would be prejudicial to the neighbourhood?—No, I have not expressed an opinion to that effect. I do not think that it is desirable to inclose any of these open spaces. I think that the population is so rapidly increasing as to make all open spaces round London very valuable, and that it is better to leave the rights of the parties to the decision of the courts, according to the existing law, and that there should not be any fresh law for that purpose.

425. Colonel *Barttelot.*] I wish distinctly to understand your opinion upon this point: do you think it right that where speculators (I do not use the term offensively) build houses to a large extent in the neighbourhood of London, and make large fortunes, and where there is a common within 20 miles of London, the inhabitants of those houses should have the benefit of going down to that common and taking away the rights, as it were, of the lord and of the commoners?—No, I do not think that there is any taking away of the rights of the lord and of the commoners. I think that if there is any interference with the rights of the lords and of the commoners, the parties infringing those rights should be restrained. I am contending that it is not desirable for Parliament to give the lord and the commoners any fresh rights which they do not now enjoy.

426. You know perfectly well that if the lord and the commoners all agree they can now inclose a common?—Yes, and I am not at all contending against that right, but I think that if they cannot agree, or cannot find out the existing rights of parties, Parliament should not be too free in giving that which they have not got, and I think that within a certain radius, the land, under those circumstances, should be left open.

427. Are you not aware that the Act of 1845 was passed in order to do away with special Acts?—Yes.

428. So as to enable a common to be inclosed more economically than by a special Act?—Yes; but the growth of the Metropolis requires an extension of the limit which is stated in that Act.

429. But do you not think that the lords and commoners ought to be fairly compensated if, for the benefit of a large city like London, you recommend taking away their common?—I do not propose taking away the common from anybody, but if a desirable case of taking away a common is put, I think that the parties should be amply compensated.

430. You are seeking to take away the power which

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which was given to those parties by the Act of 1845 to inclose their common, and you are anxious that by no possible means should they be enabled to inclose their common?—No; we merely say that it should not be included in a large group of commons which are proposed to be inclosed, but that a special application should be made to Parliament in that matter, because a common near the Metropolis is more important than a common situated in an agricultural district. The open spaces near London have acquired a fictitious value in consequence of their proximity to the Metropolis, and we think that there should be a special application to Parliament with reference to such inclosures; but we do not propose that any existing rights, either of lords or of commoners, should be interfered with.

431. But do not you think that if a man has been fortunate enough to possess a common in the immediate neighbourhood of London, which is more valuable than other commons, he should receive compensation for it?—If it was intended to take away any right then under the Lands Clauses Act, he should receive compensation, but it is not proposed by myself, or by any party acting with me, to take away any right whatever. I merely say that before Parliament gives what is not a right now, the matter should go before a Select Committee, so that they might consider the whole circumstances.

432. Who do you propose should pay the extra expense of such an Act of Parliament?—The parties proposing to make a benefit out of it; it is quite clear that in every case near the Metropolis some of the parties would make a large sum of money, and I say that when they are taking steps to convert common land into building land they should pay for that application; or I think that the public might pay for it out of the public funds; but that is a very small question compared with the larger question of the commons being preserved.

433. Do you not think that it would be a very fair proposition, supposing that a common of that sort was to be inclosed for the benefit of certain parties, that a jury should be empannelled to assess the damages occasioned by that common being inclosed?—I think that that would be a very fair proposition.

434. You have made a statement with regard to the meetings as to these commons; you said that the notice was only placed upon the church door, and that nobody knew anything about it until after the Bill was in the House of Commons?—That was practically the effect with regard to the Ockham Inclosure and the Wisley Inclosure.

435. Do you not know that it is advertised in the local papers?—A local paper was put in before the Wisley Common Committee, but I never saw it before, and do not think that I am likely to see it again.

436. Do you not think that there is a considerable time before an inclosure takes place, and that there is always a considerable consultation in the neighbourhood about it?—Nothing transpired in the neighbourhood with reference to those two commons; there was nothing like a public notice.

437. How would you suggest that such a notice should be given?—In such a place as London, I think that the notice should be given in the "Gazette" and in some London paper; I think that if this matter were treated as applications for private Bills are treated, it would meet all the requirements of the case.

438. With regard to the doles of which you have spoken, does not Mr. Forster's Bill deal with this matter, so that you will now have nothing more to do with the poor in the 5*l.* cottages?—The Bill as it now stands limits the application of those doles to education, but the Charity Commissioners are to make a scheme. As the Bill first stood, it was to be absolute, it is now permissive; but the Bill protects the land, and says that unless there are other powers, it is not to be inclosed under that Bill.

439. You said that, in your opinion, the rights of the commoners should be registered?—That is recommended in the Report of the Committee of 1865.

440. That is your opinion also?—Yes, because it would tend to the regulation of commons when they were dealt with. That is a matter which has been recommended by a Select Committee, and I will not pretend to discuss it.

440*. Mr. *Winn.*] You said, with regard to Weybridge and Byfleet Commons, that you had not heard of anyone trespassing upon them?—I never heard of anyone being charged with trespassing; I meant to say that I had not heard of anybody causing any damage.

441. Your words were that you had not heard of anyone trespassing?—I meant trespassing so as to damage the common.

442. What did you mean by "anyone trespassing"?—I meant that I had not heard of any complaint of damage; I never heard of anyone being charged with trespassing; under this Act there is a clause by which anyone may be fined for damaging or injuring the common, but I never heard of anyone being charged with trespassing upon the common in the sense of walking across the common, or using it.

443. By the Act which you have quoted, it seems that this land was set apart for the poor for pasture, and for cutting turf, and cutting timber?—Timber is not mentioned, but that right is exercised. When this Act was passed, it included nearly the whole of the parishes of Byfleet and Weybridge, and there was a good deal of pasture land in those parishes; but this poor's land is set out upon the heath, and there is no pasture, and there would not be sufficient food for more than two donkeys, or a few geese.

444. That is to say in 200 acres?—Yes; it is sand covered with heath and gorse, with fir trees which are self-sown, and are constantly springing up; it is what is called geologically the "Bagshot sand formation;" it is peculiar to the growth of that fir.

445. Do you mean to say that 2,000 or 3,000 persons a week would not damage that pasture?—There is no pasture there; there was a large pasture to be allotted under this Act, but as that has been allotted to the lord of the manor, and the persons entitled to it, what is left is merely suitable for cutting turf, firs, and heath.

446. Does not the inclosure award distinctly state what this inclosure is to be for?—Yes.

447. Have you read it?—I have seen it; there is a map, and an award.

448. Does not it distinctly specify what these 200 acres are to be used for?—They are merely to be used for the purposes of the Act of Parliament. The Commissioners were merely to apportion the land; the rights are specified by the Act of Parliament.

449. You

449. You say that you are a trustee for one of these commons?—For Weybridge Common. All parties rated to the extent of 100*l.* a year are trustees, and I have always been rated to that amount.

450. Therefore the soil of these 200 acres is in yourself as one of the trustees?—It is in the trustees. Weybridge Common is 75 acres only.

451. Do you not consider that in dealing with those 200 acres you are bound to make the most of them that you can for those persons who benefit, or ought to benefit, from them?—Yes, I think that we are bound to exercise the best judgment that we can, and I am satisfied that the fresh air is better for the people than the doles, and that is certainly the prevailing feeling in the neighbourhood. There would be no objection to regulating the ground or putting paths upon it, or putting seats upon it, or anything which made it better for the poor; but if it were inclosed, I apprehend that it would be against the intention of the Commissioners who allotted this land, and did not fence it.

452. You said that there were no funds for fencing this land, if it was thought desirable to fence it?—Just so.

453. If there had been fences made, no doubt by this time they would have been worn out; where would the money have come from for re-fencing?—That is a hypothetical case, which I have not taken into consideration; I merely contend that there has never been ring-fencing under the Act. The Commissioners having made their award, and having departed this life, the land has been dedicated to the free use of the inhabitants of the neighbourhood.

454. Surely, if there had been the power of fencing, there must have been the power of maintaining that fence, and the same money which would have been expended in maintaining the fence could have been expended in erecting the fence?—But the facts are against that hypothesis; there could not be a fence to maintain if no fence was made.

455. If, under other circumstances, you might have had the power of maintaining a fence, would you not now have the power of erecting a fence?—I cannot admit that that is the state of the law.

456. Mr. *Knight.*] If a fence had been erected, you would not have supposed that this general right of the public would have accrued?—If a fence had been erected by the Commissioners, under the powers of this Act, then I apprehend that such a right would not have accrued; the land would have been the private property of the poor.

457. It is simply an act of trespass by the public, as against the rights of the poor, because the Commissioners have not put up a fence, according to their duty?—I contend that there has been an implied dedication to the public from about the year 1800.

458. I have before me a circular of the "Surrey Commons Preservation Society"; are you one of that body?—I was on the committee who assumed that name, but I was no party to that circular.

459. This body asserts, by way of direction to Parliament, that "Wisley Common, so far as the soil is concerned, is public property"; is there no lord of the manor of Wisley Common?—The lord of the manor, I apprehend, is Lord Lovelace.

460. Are you not aware that the soil belongs to the lord of the manor?—I am not the party who issued that circular.

461. Is "Charles Jones" the secretary of that body which has given itself the name of "The Surrey Commons Preservation Society"?—He was the secretary of that society.

462. But you do not adhere to what was published under the name of your secretary?—I do not adhere to that broad statement, that Wisley Common is public property; it is the property of the lord of the manor, over which the lord has certain rights.

463. It is stated in this document, that "additional parks and breathing spaces are being provided for the people, at very considerable expense to the ratepayers"; I suppose that in the case of Battersea Park and Victoria Park, and so on, the rights of the owners were compensated, were they not?—Yes.

464. I quite agree with the statement, that large spaces ought to be preserved if possible; but do you not think that the lords of the manors, or the commoners who have distinct rights, ought to be compensated in the same way?—Yes. I have already stated that I think that every right ought to be compensated. I am the owner of property myself, and I think that the rights of property should be protected to the fullest extent. With reference to that paper, I may say that it was an act of haste and zeal, and that it was objected to afterwards; it was not adopted by any committee. When Wisley Common was proposed to be inclosed, nobody knew anything about it, and the Bill was pressed to a second reading within a few days of its introduction; and that paper was put out to arrest the attention of the public, but it was not authorised in any way. I must repudiate any sentiment of the kind which is there expressed as to the common being public property.

465. *Chairman.*] You have been asked about the parks which have been lately purchased in London; do you know whether they were private property?—I believe that in most cases they were private property.

466. And therefore they are not analogous to the commons and open spaces, which we are discussing?—No.

467. Some allusion has been made to the speculative building in London; it is your opinion that people come to London because houses are built, or that the houses are built because people require them?—There is no doubt that the supply follows the demand.

468. Are you aware that 7,000 houses in London must annually be built in order to accommodate the population?—Yes, there is something like that amount required.

469. Mr. *Knatchbull-Hugessen.*] You have been asked a question with regard to the probability of a railway coming near Wisley Common; I suppose that it is your opinion that the advent of a railway into a district generally tends to an increase of population?—Yes.

470. And would you not say that the greater the increase of population, the greater the public necessity of preserving open spaces?—Yes.

471. And that if the interest of the public demands that open spaces should be reserved, the fact that speculators are incidentally benefited should not preclude the consideration of the public interests in that particular?—No.

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472. Do

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472. Do you think that more care ought to be exercised in the inclosure of commons near the metropolis than in an agricultural district?—Decidedly so.

473. But you do not want to deprive anybody of any legal right?—Certainly not.

474. Do you think that in agricultural districts, where the legal rights do not conflict with the general public interests, the application of the General Inclosure Act is desirable?—Yes.

475. Can you state any reason why a legal right should be exercised where it is less valuable, and should be restricted in its exercise as soon as it becomes more valuable by its vicinity to a large town?—I think that Parliament should be more jealous of granting concessions near large towns, because the interests of large towns require an open space. On the contrary, the interest in an agricultural district is that as much land as possible should be cultivated.

476. Then, as I understand you, it is entirely with a view to the public interests that you advocate the keeping open of these spaces?—Yes.

477. And you would think it a justifiable course of proceeding, that while on the one hand Parliament should so far interfere with the interests of the lords and of the commoners as to keep these spaces open, they should on the other hand take care that the rights of the lords and of the commoners were compensated out of some public fund?—Yes, if their rights were interfered with under this Act: but I do not assume that any rights would be interfered with.

478. You are probably aware that the general Inclosure Act was passed for the purpose of facilitating inclosures, at the same time protecting the interest of the lords and commoners, as well as of others?—Yes; but the object was to increase the value of the soil by cultivation, but that argument does not apply to open spaces near the metropolis.

479. The cultivation of the soil tends to the production of a greater supply of food?—Yes.

480. And it would therefore be in the public interest?—Yes; that is recited by the General Inclosure Act, the preamble of which says, "Whereas it is expedient to facilitate the inclosure and improvement of commons and other lands now subject to rights of property, which obstruct cultivation and the productive employment of labour." This Act exempts all property within 15 miles of the City of London, and all commons within the neighbourhood of populous towns; therefore Parliament has to watch over two interests, namely, the interests of London and the interests of populous towns and cities.

481. The lords and the commoners who would require rights in severalty by an inclosure, would receive a benefit from an increased facility in the cultivation of the land, would they not?—Yes.

482. But if they would have an increased value by the cultivation of their lands under inclosure, they would to a certain extent have the value of their rights lessened, if that inclosure were denied, would they not?—I do not so consider it; I do not consider that either of the parties have such a right in the matter; the inclosure is a boon in both cases, and I think that Parliament should prescribe the terms of it. If a man has a defect in its title, and cannot build without coming to Parliament, he is asking a benefit from the Legislature, and I think that it is the duty of the Legislature in both cases to see how the public will be benefited. Where the land is agricultural, I think that Parliament should look to the matter, and see how a man will be benefited by the increase of the value of the soil; but where the land is urban I think that the public right should be looked to.

483. Then you think that the public right should come before the rights of the lords and the commoners?—Yes; I think that the rights of the lords and the commoners should be left where they are, and that in respect to these commons the rights of the public should be considered.

484. Are you aware that very many important inclosures were made before 1845?—Yes, by separate Acts.

485. And therefore one intention in the passing of the Act of 1845 was to reduce the expense of inclosure, and to take something in return from the lords and the commoners as a gift to the public?—No doubt that was so.

486. But you think that if a legal right is fairly made out on the part of the lords and commoners, and if a diminution of that right can be proved, they are entitled to some compensation?—Yes; I have no doubt upon that point.

487. Does not the Act, the extension of which we are now considering, contain something of the sort in the 15th clause, namely, the compensation clause?—Yes, I think that that clause contemplates such compensation.

488. Are you aware that that clause has never yet been put in force?—No, I am not aware of the circumstances under which the Act has been put in force.

489. If that clause has not been put in force, do you think it possible or probable, to judge with regard to the persons who have estates, rights, or interests in these commons, whether they will be sufficiently compensated, or will be restricted under this Act?—I have not considered that point.

490. Can you suggest any such improvement of the law as by convincing those persons who have rights in open spaces within 25 miles of the Metropolis, that their rights would be fairly considered, *qua* compensation, would induce them to be anxious that some scheme should be adopted which should secure these open spaces to the public?—I have rather been interested in considering how their rights should not be compensated, and should not be reconciled. I agree with the Committee of 1865 that their rights are in a very beneficial position as they now stand; that the best thing for the public would be that the lands should be uninclosed; and I think that the objection made by Mr. Ridley, that there had only been seven applications under this Act, is its best recommendation.

491 In your opinion, it is undesirable to have any schemes for inclosure, but it is desirable to keep the commons as open as they are?—Within a certain limit of London, I think that the best thing is to leave the matter as it is, and to leave it to the operation of the law.

492. You think that it is rather a good Act which obstructs people from bringing forward any scheme such as is proposed by the Act itself, and which, however beneficial an inclosure might be to the neighbourhood, prevents an open space from being inclosed?—Yes, I think that the Act of 1866 was a disenabling Act, so as not to give facilities for inclosures near the metropolis.

493. By a disenabling Act, you mean restricting

stricting persons from exercising rights which they can exercise in other parts of the kingdom? —Excepting them from the operation of the law which exists in another part of the kingdom where the circumstances differ.

494. Are you aware that in these open spaces within 25 miles of the Metropolis, as in other spaces, it may happen that a number of poor persons are commoners, having rights of common? —I know that there are some cases of that sort, but in my own immediate neighbourhood I have not made particular inquiry.

495. They probably would be very frequently benefited by the preservation of an open space? —In many cases they would; but in some cases they would prefer a money compensation.

496. I suppose there would be no great difficulty in satisfying their rights out of public funds?—No, I apprehend not.

497. Supposing that London goes on increasing according to the ratio of population which you have given in, do you see any limit hereafter at which this Metropolitan Act of 1866 should stop? —I have stated that if it was extended to 25 miles, I think that it would suffice for half a century, and that that is a period which it would be sufficiently large for this Committee to consider at present.

498. Taking the question of compensation, have you ever considered out of what fund any compensation should be given?—I have not considered the question of compensation, as I have not contemplated the interfering with any rights, but I think that there can be no possible objection to levying on the Metropolis for anything which would be for the advantage of the Metropolis; and I think that the limits of the Metropolis for such a purpose might be extended to the limits of the area protected.

499. Do you not think that when you propose that a right shall be exercised in a remote part of the country, and at the same time propose that it shall not be exercised near the Metropolis, that is an interference with a right, and that it is better to take the broad ground, not of denying the interference, but of saying that the interference is justified by public necessity?—The spirit of the legislation of Parliament, as I have explained, has been anciently to encourage the inclosure of commons; but since the year 1845, Parliament has exempted commons within 15 miles of the city, and in the neighbourhood of all populous towns, and therefore Parliament has considered that these were not rights to be dealt with, but that there were two classes of commons to be dealt with in different ways. I think that claims may be spoken of in this matter, but not rights. No person has a right to come to Parliament for an inclosure; it is a boon in every sense; it is so stated in the Report of the Committee of 1865.

500. Then, may I sum up your evidence in this way, that you are of opinion that the public interests demand the preservation of the open spaces near the Metropolis, but that you have not given much consideration to the question of compensation which might arise in carrying out any such change?—I have not given my attention to the question of compensation, but I think that I expressed an opinion before the Wisley Common Committee, which I still entertain, that it would be a fair thing to levy a small amount of taxation on the inhabitants of the Metropolis, who are the parties to be benefited, and I think that the limits of the metropolis for that purpose might be very fairly extended to the limits of the Inclosure Act; for instance, the pink district on the map, the Metropolitan Police District, might very fairly be taxed.

501. Mr. *Johnston.*] Mr. Knatchbull-Hugessen has spoken of the disadvantage to commoners of preventing an inclosure. Are you not aware that the commoners near London, from the rapid change of ownership, and from other causes, are very much reduced in number, and in some cases hardly exist at all?—Yes; and I have considered it very beneficial that those rights should remain.

502. Mr. *Bonham-Carter.*] The common rights, generally speaking, are appurtenant to the land? —Yes.

503. The rights are, I presume, taken away by the absence of user?—No doubt, in some cases.

504. If the land which had rights still existed, and the user continued, the rights would exist?— I would rather decline to go into a discussion of that question, which would become a somewhat subtle legal question.

505. If the land which had the rights still existed, and if the user continued, the rights would exist, would it not?—I presume that it would.

506. Then the rights have failed from the want of user if they have failed at all?—Yes; if they have failed at all.

507. May it not be possible that the user may have been rendered valueless by a population of this kind passing over the wastes to such an extent that the pasturage would be worthless?— That may possibly be so in lammas lands where there are exclusive rights of pasturage during a portion of the year, but I do not think that that would apply to ordinary commons; it is proposed, I believe, by a clause in this Bill that lammas lands should be affected if words could be discovered for protecting them for the use of the public.

508. Mr. *Winn.*] You have spoken of Epping Forest; you have said that it is a very large space, and I understood you to say that it is very desirable to leave it open?—Yes; in its natural wild condition, and not to attempt to make a park of it.

509. Is it very near a railroad?—Yes, there is a railroad; the Great Eastern system of railway touches that forest.

510. Do you know the extent of it?—I do not; it has been very greatly reduced of late years by encroachment. The Report of the Committee of 1865 recommended that the Crown should take steps to prevent further encroachments.

511. Are the inhabitants of London very much in the habit of going to Epping Forest?—Yes; in suitable weather. In 1865, evidence was given that on one day 200,000 persons had gone down by the railway and in other ways; that, I believe, was on a Whit-Monday.

512. Mr. *Knight.*] That was the day of the Epping hunt?—It was.

513. *Chairman.*] Is there any further observation which you wish to make?—I should like to read two lines from the report of the Committee of 1866; they are at paragraph 2 of page 7. "Mr. Burrell stated distinctly, that he considered

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the granting of an Inclosure Act of Parliament a boon which Parliament might justly refuse at discretion." I have read those words in reference to a question of an honourable Member as to the right of inclosure. That Committee deemed that it might be beneficial to certain parties to apply for an inclosure, but that no one had any right to inclose unless all the parties agreed.

514. Mr. *Knatchbull-Hugessen.*] The words which you have read were an individual opinion which was given?—Yes, by Mr. Burrell, indorsed by the Select Committee.

Mr. William Wyke Smith called in; and Examined.

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515. *Chairman.*] You are, I believe, Solicitor to the Metropolitan Board of Works?—I am.

516. The Metropolitan Board is, I see, the the local authority as regards certain commons, that is to say, commons within the metropolis under the Act of 1866?—It is so.

517. Do you know whether the Metropolitan Board has ever taken any steps, under that Act, for the purpose of dealing with such commons?—Yes; they have certainly not taken so many steps as they would have desired, but I rather think that they have taken all the steps which were practicable under the circumstances. They have exchanged a contract within the last few days, but the matter has been depending for some time with regard to a large tract of ground called Tooting Beck, which consists of about 150 acres of land in the parish of Streatham, and which is a very beautiful spot; I dare say that honourable Members are very well acquainted with it. For that land the Board have agreed to give 10,000 *l.* for all rights which would have been at all interfered with, except those of Mr. Phillips, perhaps, and that was regarded as a beneficial thing for the public; it was considered that it was a valuable arrangement on the part of the public, because there were a great many questions depending, which probably would have had the effect of excluding the public, or of partly doing so, under all the circumstances. The Board of Works after a great deal of consideration deemed it a judicious and wise thing on every ground, to secure that land, and they contracted to secure it. The actual vendors to the Board were Mr. Drew and Mr. Flower, two gentlemen who lived in the neighbourhood, and who tried to secure this land for the public; they offered it to the Board for the benefit of the public, and the Board dealt with it on that footing. It is fully described in the Report of the Committee of 1865; it is a large tract of ground just at the corner of Streatham.

518. It is within the pink part?—Yes.

519. It is south-west?—Yes.

520. Is it within the green part?—Yes.

521. Mr. *Frederick Stanley.*] The green is the limit of the Board of Works?—Yes; it is the Board of Works limit, but not the police limit; the Board has a certain control over the pink.

522. *Chairman.*] Were any commoners to be compensated in that case?—Yes. The gentlemen who sell are the representatives of the lord of the manor, there are certain persons claiming common rights, and we have bought with a knowledge that there is a claim of those rights; we do not recognise them, and shall probably have to dispute them; of course we shall desire to deal fairly with them.

523. You have not bought upon the terms that the vendor shall settle with the commoners, but you have only bought the lords' rights?—Yes; and whatever rights exist we shall compensate them unless they can be preserved. Our scheme is to preserve all rights, if we can. The scheme of the Act is not to buy up rights. We wish that, if possible, all rights shall remain in the ordinary state of things, and not that we shall buy the property right out, but merely to leave the common in its existing state. If it should ever occur that the enjoyment of the common by the public should invade the rights of any private person, of course that private person must be compensated under the 15th section of the Act.

524. Then in the event of any scheme leaving the existing rights as they were, no purchase takes place?—No purchase takes place.

525. In the event of any scheme, which you contemplate under this Act of Parliament, interfering with the well-ascertained rights of any parties, you consider that they should be compensated?—Yes. If you turn to the 6th section of the Act, you will see that it does not contemplate more than that; it contemplates the ground being levelled, drained, and improved, but not much change of ownership, or probably at all. I should like to allude to the cases which have been more specially cases of some anxiety with the Board, namely, Hampstead Heath, which is a large space of 250 acres; Wimbledon Common, which is a large common of 1,000 acres; Putney Heath, 412 acres; Blackheath, 267 acres; Plumstead Common, 154 acres; Peckham 50 acres.

526. Is that Peckham Rye?—I believe that it is; then there is Wandsworth, 183 acres; then Streatham and Tooting Commons are in this paper bracketed, but you will have to exclude the portion of 150 acres to which I have alluded. Then there are Clapham and Battersea Commons, which are 331 acres. I will allude to each of these cases; in the case of Hampstead Heath, long before this Metropolis Commons Act which is under the consideration of the Committee was passed, the Board had been most desirous to secure the full benefit of that common to the public, and negotiations had been going on for years with that object. Sir Thomas Maryon Wilson, who was then the lord of the manor, entered into certain negotiations, and those negotiations were pending even at the time of the passing of this Act. I believe that this Act is a very valuable Act, and it was hoped that under it we might secure Hampstead Heath. Sir Thomas Maryon Wilson asked a very large sum for his interest in the common. The very year after the passing of this Act negotiations were renewed, but we found it scarcely possible to approach Sir Thomas, for we regarded the price which he demanded as so utterly inconsistent with the interests of the public, that the negotiation was suspended. A suit was then instituted by a number of gentlemen.

527. Were those negotiations strictly private and confidential?—I think that they were. To the best of my recollection I think that the sum exceeded 150,000 *l.*; it was a very large sum.

Then

Then a suit was instituted, which practically had the effect of stopping the Board's operations, and the same has been the case with regard to many other commons. The view which the Inclosure Commissioners took of the construction of this Act was, that when a suit was instituted raising the whole question of right, or largely raising the question of right to the property, it would be inexpedient to deal with the subject; that it might perhaps only be raising an issue which would have to be determined in another way. The Commissioners thought that they could not go on with those cases, but hoping, I suppose, that these suits would very soon be disposed of; honourable Members, however, know that Chancery suits hang about for a considerable time; that has been the cause of the delay regarding Hampstead Heath. Sir Thomas Maryon Wilson died some few months ago, and I believe that an action at law which has been directed to be tried in the Court of Exchequer, would have been tried two or three months ago, but that the death of Sir Thomas Maryon Wilson caused an abatement. I believe that either the will has not been proved, or the parties have not taken the matter up, and the cause has not yet been tried.

528. That was a suit in which the rights of the lord, as such, I suppose were brought into contest?—Yes, the immediate object of the suit was to restrain Sir Thomas Maryon Wilson from building upon certain parts of the heath, and to have a declaration of the rights of the owners in that property. Of course the Board felt that it would be very advantageous to lie by, and to see what was done by the Commissioners, because it would save the public a considerable sum of money if that suit was determined in their favour; and we hoped that that suit would go on rapidly. That I believe is all that I need trouble the Committee with as regards Hampstead Heath, and it will illustrate two or three other cases.

529. Hampstead Heath of course would be included in this Act of Parliament?—Certainly, we should most undoubtedly deal with it at the very first instant that we could.

530. Mr. *Knight.*] Are the rights of the present Baronet the same as those of the late Baronet?—I believe so, as regards the common; as regards certain lands adjoining, I think that there may be some limitation.

531. Lord *George Hamilton.*] Is not the will of Sir Thomas Maryon Wilson contested?—I rather think that it has not been proved, it is therefore possible that it may be contested.

532. *Chairman.*] Does the present owner take as the devisee of the late owner?—No, it is under a very old limitation.

533. He is the reversioner?—I believe so; I believe that the present owner is either tenant in tail, or may soon become so by the birth of a child, or other event. There may be something rather in favour of the public, with regard to the accident of death. I will now go to the case of Wimbledon Common; that is somewhat in the same position. The whole of that common is not in the pink area; there is a very small portion of it which would just give the Board jurisdiction as to a part; in that case unfortunately there is the same thing as in the case of Hampstead Heath; when I say, "Unfortunately," I do not mean it in the slightest degree offensively to anybody. I have no doubt that the parties who instituted the suits did so in perfect good faith. We have been in communication with Lord Spencer upon the case of Wimbledon Common; and it is merely fair to his Lordship to say, that I think that he has shown a kind feeling, and a great desire to advance the interests of the public, so far as he could; but looking to the rather extreme view which either party takes as to the rights of the commoners on the one hand, and of the Earl on the other, I may say, I fear that it will be a very long while before these questions are determined. With regard to Putney Heath, I do not think that there has been any litigation yet in that case; no great steps have been taken with regard to it, and I am not at this precise moment in a position to state what the parties wish to do with respect to it. This Act stops inclosure, and therefore no mischief has gone on except the natural building, and the destruction thereby of all open spaces within the Metropolis.

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534. There is a very rapid covering of these open spaces?—Yes; that is a point to which our Board rather earnestly call your attention. Parliament intended that they should be breathing places for the Metropolis, but looking at the rapid way in which building is going on round London, as every honourable Member sees, in all directions, even if it does not actually interfere with the commons, the bad air and the taking away of all the natural advantages are very great drawbacks.

535. Mr. *Knight.*] Do you think that the Metropolitan Board of Works would be willing to purchase all these other commons, upon the same terms as those on which they have purchased the first common which you have mentioned?—If the Metropolitan Board were prepared to buy all these commons, the amount which would be requisite in order to buy them would be enormous. The fee-simple value of all the commons within 25 miles round London would be immense.

536. In the case of Hampstead Heath, Wimbledon, Putney Heath, and Peckham, would that remark apply?—The Metropolitan Board of Works would be anxious to change the rights as little as possible. The great object which the Board wants to promote is that the public shall be able to go over these commons, but the Board does not wish to take away the rights of cutting fuel, the rights of digging gravel, and so on. I am afraid that under the present law we cannot interfere with them. Take the case of Blackheath; we have been extremely anxious about it; the right of the soil is partly in the Crown, partly in Lord Dartmouth, and partly in the trustees of Sir Gregory Page Turner, and somebody else. We have prepared a draft memorial to the Commissioners to give effect to the Act, and we have adopted, as nearly as possible, the language of section 6, that is to say, that a body shall be appointed (we suggest the Metropolitan Board of Works if no more convenient body can be found) for the making of bye-laws and regulations for "the prevention of nuisances, and the preservation of order thereon." Now, it appears to the Board that that was the scheme, and object of Parliament, as much as possible, to preserve these spaces as open as they are, and not to inclose them, or make parks of them, or make private fields of them, but to give the public the advantage of roving over them as far they can, but not to interfere

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interfere in the slightest degree with private rights.

537. How can you distinguish that from making a park of them?—For this reason, that if you make a park you inclose it, and you exclude everybody else; the owner of a common has a qualified right; the lord of the manor, for instance, has no right except in some particular cases, to inclose the property; he may have to get the consent of the homage to the inclosure, or 50 things may occur before he can inclose, but supposing that we found a case where the prejudice to the public would be very great by the lord inclosing, we could buy up the land under section 15 of the Act.

538. *Chairman.*] With regard to Blackheath, what became of the proposal?—We asked the Commissioners to interfere; that memorial has never been practically presented, but we sent it round to a great many persons who were interested in the matter; Lord Dartmouth received it with great kindness; he much liked the plan. At Blackheath on a Sunday the people go riding on donkeys, and they gamble, and it is very difficult to control them; the police hardly like to interfere, and it is a place which is very much neglected, and it is almost a scandal; therefore, Lord Dartmouth was anxious to assist the Board in every way that he could with regard to keeping order and putting the place under some authority. Then some question arose with regard to gentlemen inclosing. The districts around asked the Board to make some variation in the plan, and that plan is under consideration. But I am quite in hopes that under what is shadowed forth in section 6 of the Act, we can bring about some good under this Act of Parliament with regard to Blackheath.

539. What is the case with regard to Plumstead?—Plumstead is precisely in the same situation as Hampstead; we were solicited a very short time ago to prevent a very large inclosure which was threatened there for building purposes, and so on. The Board instantly took the matter up; they felt that it was a most pressing case, and that if it fairly came within the Act, it was their duty to lay it before the Inclosure Commissioners, and we did so; the Commissioners considered the matter, but they thought that as there was a suit, and as certain steps had to be carried on in order to determine the rights of all parties, they must defer going on with the matter until the termination of that suit. I have been constantly waiting upon the solicitors who are concerned, for the purpose of ascertaining the state of this suit; and I hope that early in November it will be disposed of.

540. What is the case with regard to Peckham Rye?—I am not quite able to state how that is.

541. Has not the scheme taken effect there?—I rather think that something has been done.

542. The next case is Wandsworth?—With regard to Wandsworth Common, it is in precisely the same position as Wimbledon, except that I believe that that is about the worst case of a common near the Metropolis; I would rather that that statement should not rest upon my authority. In the Report of the Committee of 1865, you will find that a very full account is given of that common, and it is a most unusual one. I myself went with an officer of the Board to look over it. I saw Lord Spencer's solicitor; Lord Spencer was exceedingly reasonable and kind about it; he admitted that the common ought to be dealt with in some way by such an authority as the Metropolitan Board of Works. I believe that there is no doubt that he felt that the refuse of the gaols, and persons who have no place to go to, constantly sleep upon that common. There is no doubt that it is quite an abomination.

543. Have you submitted any scheme to the Commissioners?—We have been deterred in the same way as with regard to the other commons which I have mentioned. We have prepared a scheme, and I certainly hoped that we might have carried a limited scheme, so as to have acquired the protection of the common, at any rate, pending this suit. I was courteously furnished with a copy of the answer of the Earl to the Bill which had been filed; but when I found that the Earl took such a very different view of his rights from that which was otherwise taken, it appeared perfectly hopeless to go on with the matter until the suit was over.

544. Was it a suit between the lord and the commoners?—Yes, the commoners denying largely the rights of the lord, and asserting rights of their own, and asserting that encroachments had been largely made, which had been made by the Earl; and the Earl, on the other hand, asserting that those encroachments were perfectly consistent with the law of England. At all events, that is the difficulty which has been interposed with regard to these larger commons to which I have called the attention of the Committee. I think that that will pretty well dispose of the larger commons. Now there are other commons in the Metropolis which the Board have also been most desirous to deal with, if they could. One of those commons is an interesting common, which is called the London Fields, at Hackney; it is a tract of ground which most certainly ought to be secured by somebody; there are lammas lands there. It has been suggested by the Inclosure Commissioners that a difficulty arises upon the construction of this Act, and that it cannot positively apply to lammas lands. Of course, I must speak with all possible respect, but I confess that the difficulty rather staggers one, and yet to a certain extent we have felt it to be our duty to yield to the difficulty, at all events, pending a Bill, on the back of which is the name of the Chairman of this Committee. In the 3rd section of the Metropolis Commons Act of 1866 the definition of the word "common" is "land subject at the passing of this Act to any right of common." Now, it did appear to our simple minds that it was hardly possible that those general words were not designedly and carefully used in order to prevent any misapprehension. I never saw such extremely strong words. I believe that no one denies that lammas land is a right in a common or right of common. Mr. Wingrove Cooke, and every authority, I believe, who has written upon this subject, clearly treat a lammas right as a right of common. It is said that in one or two of the sections of the Act, there are the words, "lords of the manor," with reference to commons, and that that creates a difficulty, and it is therefore said that unless you find a lord of the manor concerned, and a common where there is a lord of the manor, the Act does not apply. What the Board thought it right to do was this: of course it is our duty, so far as we possibly can, to concur with all bodies who have the same object as ourselves

ourselves; the moment that this difficulty was made the Board determined to have the best advice which they could get; and if the difficulty had been persisted in, and if this Bill had not been pending, it would have been an absolute duty on the part of the Board to have tried this question by a mandamus, because to have given up this point, upon such a construction, would hardly have fallen within the duty of the Board. But this Bill, which has been brought in, gave the Board an opportunity of considering whether the Act should not be amended if the Board desired it. We desire, by no means, to give up this point, and if this Bill should be delayed, or should not pass, the Board reserve their right to have this clause interpreted in the way in which they conceive that it should be interpreted. But we now respectfully submit to the Committee that a clause should be introduced into this Bill to make clear that which in the mind of somebody may be a little doubtful, and, therefore, we propose that there should be introduced into that Bill a clause to the following effect:—"The term 'common,' in 'The Metropolitan Commons Act, 1866,' shall be deemed to include all such lands as are described in section 11 of the general Act to facilitate the inclosure and improvement of commons passed in the Session of the eighth and ninth years of Her Majesty's reign (chapter 118), and the power by 'The Metropolitan Commons Act, 1866,' vested in the Commissioners, of making a scheme, may be exercised on a memorial in that behalf presented by any person claiming any estate or interest in the soil of a common as well as by any such person or body as is described in section 6 of that Act."

545. The general Act which is there referred to is the Act of 1845?—Yes. This is the section which was introduced into the Act of 1845, and I am assured that the rest of this clause after the first few words was struck out, because it was not considered necessary: "And be it enacted, that all such lands as are hereinafter mentioned (that is to say), all land subject to any rights of common whatsoever, and whether such rights may be exercised or enjoyed at all times, or may be exercised or enjoyed only during limited times, seasons, or periods, or be subject to any suspension or restriction whatsoever in respect of the time of the enjoyment thereof; all gated and stinted pastures in which the property of the soil, or of some part thereof, is in the owners of the cattle gates, or other gates or stints, or any of them; and also all gated and stinted pastures in which no part of the property of the soil is in the owners of the cattle gates, or other gates or stints, or any of them; all land held, occupied, or used in common, either at all times or during any time or season, or periodically, and either for all purposes or for any limited purpose, and whether the separate parcels of the several owners of the soil shall or shall not be known by metes or bounds, or otherwise distinguishable; all land in which the property or right of or to the vesture or herbage, or any part thereof during the whole or any part of the year, or the property or right of or to the wood or underwood growing, and to grow thereon, is separated from the property of the soil; and all lot meadows and other lands, the occupation or enjoyment of the separate lots or parcels of which is subject to interchange among the respective owners in any known course of rotation or otherwise, shall be land subject to be inclosed under this Act." We venture to suggest that the words which I have read might be very usefully introduced, in order to prevent doubt in the Metropolitan Commons Act, which is now before Parliament. That is a simple copy of the Act as it is before you, except the latter part.

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546. That is a description in detail of every kind of land subject to the rights of parties?—Yes; I believe that that is really what passed in the mind of the gentleman who drew this Bill; perhaps he has tried to be rather too short.

547. Your first suggested amendment, with reference to the Act of 1866, is that there should be some clearer and more conclusive definition of the word "common," so as to make it wide enough to include lammas lands among other things?—Yes.

548. And your mode of doing that would be by inserting the words which you have read?—Yes.

549. Can you suggest any other amendments in the Act of 1866?—Yes; at present all inclosures under this Metropolis Commons Act are stopped. The form which must be gone through is, that a memorial must be presented to the Inclosure Commissioners, and then the Inclosure Commissioners, if they think fit, and only if they think fit, may prepare a scheme; no doubt it is in very good hands with them, but looking at the very large interests involved, it is a question whether it should not be compulsory upon the Commissioners to prepare a scheme; it can only be a question of expenses, and if they are indemnified, that question cannot arise. If the local authority are enabled to provide against expenses of that kind, it occurs to us that there might be a very advantageous change in this Act by providing that the Commissioners should be compelled to prepare a scheme; at all events this might be done; at present the Commissioners have only the power to hear any explanation, and to receive any information which parties may be willing to give. Now certainly that is a most unsatisfactory state of things; we are ourselves repeatedly met with this objection; we are particularly desirous to ascertain the property and the holding; we cannot get it; the parties by design conceal it from us; the deeds are very often not registered. Now if the Inclosure Commissioners had given to them clear and distinct power to obtain that information, it would be a great benefit; and why they have not that power I cannot conceive, because they have it under the Inclosure Acts. They may call for witnesses like Commissioners in Bankruptcy, and in the same way; in the Court of Appeal upon a rate, parties may be compelled to produce books in order that those books may be examined, and if that examination tends to injure anybody, the presiding judge will of course take care to confine it within proper and practical limits.

550. Does it not occur to you that it is expedient to refrain from inquiring into these doubtful rights; you do not propose to interfere with them?—There may be cases where we must compensate the parties, because there may be rights which we must try to get rid of, or to buy up.

551. But does it not occur to you that the proof of a right where there may be compensation, rather devolves upon the person claiming it than upon you who wish to preserve in *statu quo* all rights?—I quite agree with you there; the Act goes the length of enabling the Commissioners

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sioners to desire all information, and to a certain extent makes it imperative upon them to do so; they are to hold meetings after they have a scheme, and they may invite any persons to come before them in order to state their rights, which we must pay for under section 15 of the Act, if we take them away or interfere with them; therefore, in practice there are rights which it is most desirable that the public should possess, or to a certain extent clear away, and consequently, unless there is a compulsory power, we are not able to ascertain them satisfactorily. In one case we are negotiating within a few miles of this building, to see whether it would not be worth our while to buy up the property.

552. An unascertained right, for the purpose of taking action under this Act, is no right at all, and why should the local authority, whatever that authority be, take pains to ascertain and define unascertained and undefined rights for the purpose of giving compensation?—It is not for the purpose of giving compensation. I dare say that I have not made myself understood. In the case of common rights there is, perhaps, a right which we cannot get at, and how can we ascertain it without compelling the production of books?

553. Why should you do so?—It might be a very profitable thing for us to buy the rights of that party. Supposing that he has an unlimited stint over the common, he may say, "You shall not come over the common at all." We may say, that if we can get rid of that interest for a few hundred pounds we will not have a litigation going on between the claimant of that interest and the public, but that the public shall have the full enjoyment of that common. But at present, when a scheme is prepared, we cannot compel the parties to state their right either from books or from other evidence. There is a power in some Commissioners to compel the production of information, but we have no such power.

554. Does not the onus lie upon any person who claims such a right to prove it, and in the absence of that proof, would not the duty of any local authority under this Act be not to touch anybody's rights, but to prepare a scheme for management under the Act?—One of the sections of the Act of 1866, namely section 14, states, "Every scheme shall state what rights (if any) claimed by any person or class of persons are affected by the scheme, and in what manner and to what extent they are affected thereby." So that the obligation is really thrown upon us; and when you read section 15, you will see that it is so, we having to ascertain what money we have to spend, and what right we have to litigate. I quite agree with you that it is for the party, before he can establish a claim against any local authority, to make out his own case, but I am looking at sections 14 and 15 of this Act.

555. I will put a case to you. You propose a scheme with reference to a common, and there is the ordinary right in the soil which the lord of the manor has, and he may have other rights as to digging gravel, and so on. The commoners may have a right to stint, or otherwise. Your scheme proposes to leave the lord his rights, and also to leave the commoners precisely as they are, how does the 14th or 15th section of the Act come into operation at all?—In that case it would not come into operation. In one case the lord might dig gravel advantageously, but in other cases it might be extremely advantageous to dedicate only a part of that common for digging that gravel, and for making roads and other things. In working that matter out, it requires great care. What we have to look to in these cases is the money. In small villages, and districts, and towns, the people find a moderate sum of money, but not a large sum. We find it so here. We shall have to be very careful that we do not pay more than we ought to pay, or we shall be very much blamed, and we shall make the Act of very little use if the expenses are to be so very great. We must take care not to compensate anybody whose rights are not distinct.

556. The more you increase the machinery, so as to ascertain undefined rights, the larger you increase the expense?—No doubt.

557. In nine cases out of ten, may not a scheme of management under this Act steer entirely clear of such a question?—Some schemes may do so, and some may not. In practical experience, we find that it cannot be done in all cases. The scheme of the Commissioners is generally made from the memorial. In our memorial we generally set out, as far as we can, the exact state of the property, and to whom it belongs, and we pray that the matter may be inquired into. When the Commissioners inquire into it, and look at the Act, they say, "We can help you so far as to receive the information which parties are inclined to give us, but no farther."

558. Then, to this extent you agree with Mr. Ridley, that under this Act, the powers should be as great as under the General Inclosure Act?—Yes, but only where we ask for those powers, for the purpose of necessary explanation. I was not aware that Mr. Ridley had suggested anything of the kind.

559. That is your clear opinion, notwithstanding the views which I have been putting to you?—I think so.

560. Is there any other point upon which you think that the Metropolitan Commons Act requires amendment?—I have thought that it is a question whether we should not have some more rapid and satisfactory tribunal than the Court of Chancery.

561. When are you driven to the Court of Chancery?—We are only driven to that Court by a section of the Act which enables that Court to send any issue to trial.

562. It would be difficult in an Act of Parliament to deprive the parties of their right to go to a court of law?—Certainly; and I do not propose it, but I think that in the Act of Parliament there are clauses for summoning juries.

563. That is appointing another tribunal for ascertaining the rights?—Yes; I would take care to reserve the power of the superior courts to interfere in cases where it became absolutely necessary, but I think that the powers of the Act of Parliament should not be actually stayed during the progress of suits of this kind.

564. In your opinion has there been as much action taken under the Act of 1866 as could reasonably have been expected?—From what I have explained to the Committee, I think that these suits have been the chief cause of the hindrance.

565. In point of fact, I suppose that more than half of the schemes which might have been perfected under the Act of Parliament have been stopped by reason of suits in Chancery?—I think that I may say much more than that; we begin with Hampstead Heath and Wimbledon Common; this

this does not apply to Blackheath; the case of Plumstead Common has been delayed by these suits; the same thing applies to Wandsworth Common; we are going on with the case of Streatham Common. Those are all the cases of large commons.

566. As regards the lammas lands, they are not supposed to come within the Act?—Just so; and even if they did so, when we talk over the matter with the Commissioners as to how it is possible to get the information, they say very properly that they have not the power to compel the parties to give the information.

567. In your, judgment, considering the rapidity with which the population of the Metropolis is increasing, it is desirable that Parliament, acting on the policy of the Act of 1866, should more or less increase the radius over which the protection extends? — That is a question which almost lies upon the surface; if it is good to embrace an area of 15 miles, it will necessarily follow that it is almost essential that you should extend the area to 25 miles, when we see how London is being pushed out. The people do not obtain the advantages which it was supposed that they would get even when that Act of Parliament was passed. If you take the case of the South Western Railway; it is my fate to come up and down by it every day; for three miles that district is being built on, almost in a line. As regards spots which formerly were valuable, from the smoke and other causes these places become comparatively inaccessible, and therefore, when you see the thorough enjoyment of the people in going out to these spots, and how necessary they are as an element of morality, one may say, and certainly of health, and of comfort and enjoyment, the Metropolitan Board of Works, to whom it is a matter of great interest, would feel satisfaction in executing the duty, if Parliament thought it right to impose it upon them.

568. The proposal is to extend the Act of 1866 over a larger area, including all open spaces comprised within it. It has been suggested that a better plan would be to select certain open spaces on different lines of railway all round the Metropolis, and to purchase all the rights in them, and to inclose them by making them parks, and that that would insure the health and enjoyment of the people to a greater degree, and on a better principle, than is proposed by this Bill. Do you concur in that opinion?—Most assuredly not. I think that it would be defeating the whole object and everything which is stated in the Report of the Committee of 1865, and everything which is contained in the Act of 1866. What the parties want is to roam about ground which is in a state of nature. The Board have bought up two large parks, and having bought up all the interests, they have set them apart to the public at large. That is quite a different thing. What the Board and the local authorities would desire to do is to leave the ground in a state of nature, as far as one can do so, injuring nobody, and leaving open spaces where certain public rights are attached to them. It would never do for the Board to seize upon a plot of land, and to give it to the public. This Act of Parliament does not do that. This Act of Parliament only deals with the land where there are some public rights.

569. The regulations in a park are more or less rigorous, such as preventing the picking of flowers or the touching of shrubs and trees, and even to some extent wandering over the turf?—Yes, you must have the bye-laws very carefully settled by the Secretary of State, and there must be police officers. Certain parts are set apart for cricket and other things, which are absolutely essential to a park in the Metropolis.

570. You attach importance to the freedom with which people can range over open spaces?—Yes; if I may say so, I do not see that there is any affinity between an open space and a park.

571. Mr. *Knatchbull-Hugessen.*] You have said that you would not like a plan, which I think was suggested by Mr. Ridley, that certain parks should be created in preference to this Bill, because it would not preserve the wild sports?—Yes; that is the idea which occurs to me upon the matter, and that is the general view of the Board as far as I know it.

572. Under clause 6 of the Act of 1866, there is power to make a scheme for promoting drainage, levelling, and so on; is that a scheme likely to preserve wild sports, or would it not rather render them the reverse of wild?—It would have that effect; I take it that the reason of section 6 is, that you may drain the commons, and may keep order and may make regulations and bye-laws so as to prevent these open spaces and commons being made use of for political purposes, and gambling, and debauchery, and all sorts of things which are clearly inconsistent with the enjoyment of the people in open spaces.

573. Do you entertain the opinion which appeared to be entertained by the last witness, that his Act, having for one of its intentions the making of schemes for the regulation of these metropolitan commons, best carries out the object of its promoters by preventing such schemes being made, and causing the commons to be left just as they are?—I did not hear the whole of the evidence of the last witness. I think that an excellent principle is shadowed forth in the Act of 1866; I think that the principle shadowed forth in that Act is a most just one, and a most valuable one on sanitary grounds, and with regard to the health and comfort of the people; and I think that if this Committee should be of opinion that there are certain advantages involved in the due working out of this Act to the extent of 15 miles, it would be a very valuable thing, and a very great boon to the community to extend it 10 miles further.

574. *Chairman.*] It now practically goes 20 miles?—Yes, in some cases.

575. Mr. *Knatchbull-Hugessen.*] You think that London is so extending that the provisions applicable to the metropolitan district might well be extended?—I think so, after seriously looking at the matter. We are brought so much into the different districts by the constitution of the Board, that I think that there is a very strong feeling that Parliament would confer a benefit upon the Metropolis if the Act were extended.

576. What was the size of Tooting Beeke?—I think that it was 150 acres.

577. Under what section of what Act did you purchase it?—We should buy it under the provisions of the Act of 1866, sections 14 and 15; we should consider that these are rights which would interfere with the rights of the public, and that we should extinguish those rights, and vest them in the Board.

578. Has your scheme been sanctioned?—No; the matter has been pending for a long time. There was a suit with regard to this very common

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mon which delayed the Board in its proceedings; that suit was dismissed. Mr. Carpmael, a member of the Board, and a most excellent and worthy man, first effected the purchase of Tooting Beeke, but he died.

579. Can you state the cost to the Metropolitan Board of Works of that purchase?—A sum of 10,000 *l.* for the main purchase has been agreed to, but that is subject to the approval of Parliament. There is a clause that if Parliament should not sanction the scheme in a given time, the parties may abandon it, paying the expenses.

580. Out of what rate will that money come?—From the whole of the metropolitan rate.

581. Do you think that it would be an amendment if it was provided that a portion of the land to be dealt with should be sold to defray those expenses?—If I speak on my own account, I have a great objection to sell such land. I think that these lands have such interest in themselves, that it is a pity to do anything of the kind; but, possibly, there might be circumstances where it would ease the burden of the purchase by selling certain parts of the land, and where you might advantageously sell them. I do not think that you can lay down any rule with regard to it, but, speaking generally, I think that it is almost a pity to cripple these useful places by any attempt to build upon them, because the real advantage is to keep them open.

582. Are you aware that in the Act of 1866 there is no power to sell any land?—I am.

583. Do you think that such a relaxation as would leave the power of sale to any local authority would be a desirable measure?—If you did that, I think that it would be extremely desirable to limit the exercise of that discretion to some small portion of land. I think that it would be a pity to give a large discretion to any authority. I think that if you did so, you would neutralise the object.

584. The dispute in the Wimbledon case was not between the lord and the commoners on the one side, and the public on the other, but it was between the lord and the commoners?—Yes, and that has been so in almost every case.

585. Lord Spencer's wish, as I believe, and as he expressed, was to promote a settlement of the subject, and to get rid of certain nuisances which had been very much complained of, and to obtain the recognition of his rights of property, and to put all rights upon an equal footing?—Lord Spencer gave a general expression of willingness to assist the Board; he thought that the object was so valuable a one, at all events as to police regulations, and regulations which should be applied to that common, that I have no doubt that his Lordship would have concurred in that scheme; but when we saw the answer which was filed the other day, which claimed such very large rights, it appeared to us that while this Bill was pending, we could hardly expect the Inclosure Commissioners to go on with the matter, until the suit was heard and disposed of, unless you gave us an interim remedy, which I think is well worthy the consideration of the Committee.

586. You are inclined to doubt the interpretation which is put upon this Act by the Inclosure Commissioners, and you think that it does apply to lammas and half-year lands?—Yes, I think myself that the words were intended to apply to every common. If Parliament had intended to cut down the general words, they would have done so decidedly. In a pretty long experience of Acts of Parliament, I have not often seen more general words in my life.

587. The words are, "the term 'common,' means land subject at the passing of this Act to any right of common"?—Yes.

588. Might not a subsequent question arise upon that, as to whether it is a right of common, extending throughout the year, or whether it applies to lammas land, which is not common throughout the year?—I think that that would be a very narrow construction of the Act. It goes on to say, "the term 'commoner,' means a person having any such right of common." The Act defines every word; it then proceeds to say, "the term 'manor' includes reputed manor; and those terms, as used in this Act respectively, refer to any particular common to which this Act applies, and to every person having a right of common in, over, or affecting that common, and to the manor of the wastes whereof that common is part."

589. Then you think that a person who has a right of common for two, three, or four months in the year, would be included in that description, although he has no right for the remaining eight months of the year?—I think that all the legal books which I have ever read treat lammas land as a clear right of common.

590. Are you aware that lammas land is land in which for six or eight months of the year, the right of inclosure exists while the crops are sown and gathered, and that the only right of common upon it is after the crops are sown and gathered?—Yes. It varies very much; lammas lands are different in different parts of England. The lammas land right supposes a right of soil in the owner of the lammas land, that is the general impression; but still I believe that all lawyers, in conveyancing and dealing with these matters, hold that it is a common right. The last edition of Mr. Wingrove Cooke's book certainly treats it so.

591. Then you do not think that any words are necessary to be added to the Act to define more clearly what the Legislature meant?—I would recommend that this Committee should be so good as to introduce a clause of this sort, because when a body like the Inclosure Commissioners have entertained a doubt, there is sure to be something in which somebody else will participate. I should have thought the point to be very plain, but it would be a most unwise thing to get into litigation, and to imperil the beneficial operation of this Act when we have the opportunity of correcting it by a short clause. Therefore I think that it would be a great advantage to amend the Act in that respect, rather than argue the matter before a court of law where the litigation might last for years.

592. You have said, I believe, that you think it right to make it compulsory upon the Commissioners to prepare, or to sanction, a scheme?—Yes; I think something of that sort would be desirable, at all events to exercise the extent of their preparing a scheme as far as the power which they, I think, should possess, of citing parties before them, and making them do that compulsorily which, at present, the Commissioners are only empowered and required to seek from them if volunteered.

593. Do you think that it would be well that the Commissioners should take the initiative in these cases, instead of waiting, as they are now required to do, for local action?—I have not considered that point, but I think that the local action would be pretty effectual, because I think that the

the interest of parties is getting pretty well aroused upon these matters; and I think that a great deal would have been done except for the long litigation which has been subsisting; and I think that a great deal will be done after the litigation is determined.

594. Then, you think that it should be compulsory upon the Commissioners to prepare a scheme after a memorial had been presented to them?—Yes.

595. You do not think that it is desirable that some independent body in London should take the initiative in preparing these schemes?—I should be very sorry to see any body excluded, but as the principle of local self-government is so rational a one, I think that the people would prefer to send persons themselves to suggest the matter to the authority.

596. Do you think that persons at a remote part of the area which you tax are at all wronged, if against their inclination they are taxed for a common at the other end of the district?—I think that it is a common benefit.

597. It is a common benefit for those who go on to the common?—If Parliament is wise in fixing upon an area of 25 miles, or rather adding something like 10 miles to the existing area, I do not think that there can be a hardship in taxation; it will interchangeably work round so that all will be benefited.

598. If the power of sale was exercised here or there, the locality would be relieving the general body of taxpayers?—Yes; and that is worthy of grave consideration.

599. Do you not think that that is a reason why a discretion should be left somewhere?—Yes; that, no doubt, is an important reason.

600. With regard to the compensation, do you think that the powers which are given are sufficient to enable you to find out what the proper compensation is in these cases?—I think not, and that is why I have ventured to suggest that the Commissioners should have the power of compelling parties to disclose the grounds upon which they claim their rights, if they require it; they of course would be very careful not to require it, except in cases where they really wanted it; because it is for the claimant to make out his case.

601. If due and full notice of an intended scheme is given, and if full opportunity is given to everybody to put in his claim to common rights, and if anybody neglects to do so, do you not think that he should suffer from his own neglect, and that the promoters of the scheme should not be afterwards called upon to consider his case?—Certainly; but that is not the point where I suggest a remedy; I suggest it at an earlier stage. I suggest that, at the moment when a memorial has been presented, we should be able to say to the Commissioners, "We require such-and-such information, and we want to know the character of the interest," and anything which we think it right to ask the party for.

602. Then, in short, you think that the powers under the seventh section of the Act of 1866, which enables the Commissioners to "make such examination and inquiry as they think necessary or proper in relation to the subject matter of the memorial," should be extended?—Yes.

603. Mr. *Bonham-Carter.*] You are the solicitor of the Metropolitan Board of Works?—Yes.

604. You advise them upon legal matters?—Yes.

605. Are you aware of a petition which was presented from the Metropolitan Board of Works with regard to Wisley Common?—Yes.

606. May I ask whether you personally advised upon that petition?—I dare say that it fell to my lot to have to draw it, or settle it. I did not originate the petition; I have no doubt that the instructions were given to me to prepare the petition.

607. This was a petition to Parliament?—I recollect it perfectly.

608. Will you kindly inform the Committee what steps the Metropolitan Board of Works took to ascertain whether the statements which they made with regard to Wisley Common were facts or not?—I believe that any duty upon that matter was confined to my preparing the petition which the Board directed me to prepare. What steps they took I do not know, but I know that their chief surveyor, or an assistant surveyor, went down to view the common.

609. Are you aware that that petition stated, "That such land is not correctly described by the Inclosure Commissioners in their 24th Report, as 'pasturage of very small value,' but is of great increasing value as building land, being intersected by a high road throughout its whole extent"?—I cannot charge myself with that; I will read the petition; I know nothing of the facts; I get my instructions, and I act upon them.

610. You are not aware what steps were taken before a statement of facts, with regard to the common, was submitted in a petition to Parliament?—I recollect this case because I was invited to go and look at this common, which I should very much have wished to do, but from my engagements I was unable to go; but a gentleman in the surveyor's office was directed to go, and I know that he went down and looked at the common, and to the best of my belief he reported upon it.

611. Are you aware that, as a matter of fact, the statement that the land is intersected by a high road throughout its whole extent is not true?—I never saw Wisley Common, and I know nothing about it; I was simply instructed to prepare that petition.

612. Will you read the next clause; did you advise the Metropolitan Board of Works that they should present a petition, asking for this common to be "disposed of to the highest bidder, and the proceeds applied in procuring additional parks or open spaces for the use of the people, or in the reduction of taxation for parochial relief"?—I gave no advice whatever upon the subject; if you are acquainted with the proceedings of a Board like that, you will be aware that a resolution is carried, and that the solicitor receives instructions to prepare a petition, and that is all that I did.

613. Was it not within your competence to advise that such a statement was entirely contrary to the existing state of the laws with regard to the rights of property?—If I did prepare such a petition (which I do not recollect), I knew nothing of the facts; the petition was sealed that afternoon and was presented, because it required the greatest dispatch. The attention of one or two members of the Board was called to this inclosure: a resolution was carried that a petition be presented to Parliament, and I suppose that the Board stated the facts according to their then information and impression; but I cannot be responsible for the facts, for I knew nothing about them.

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614. *Chairman.*] You acted ministerially?—Entirely.

615. Mr. *Bonham-Carter.*] This petition, in fact, petitions Parliament to dispose of this common to the highest bidder, and to apply the proceeds in purchasing parks?—I see that it does.

616. Is that consistent with the practice of the Board with reference to Tooting Beeke?—The opinion which is expressed in the words of the petition, I suppose, was the opinion of the gentlemen who moved the resolution to petition.

617. Is it consistent with the practice of the Board in the case of Tooting Beeke; did not the Board in the case of Tooting Beeke, in fact, purchase the rights of the lord?—Clearly.

618. Then, in fact, the practice of the Board does recognise the duty of purchasing existing rights, with the object of obtaining places of recreation for the people?—Yes, clearly; the Board cannot help themselves; they are compelled to do so under section 15 of the Act of 1866, which is framed for the express purpose, and which states that, "No estate, interest, or right of a profitable or beneficial nature in, over, or affecting a common, shall, except with the consent of the person entitled thereto, be taken away or injuriously affected by any scheme, without compensation being made or provided for the same." Therefore it is not a question of practice, it is compulsion.

619. Did you not, in fact, purchase the right of veto of the lord, which exists and is recognised under the Act of 1845?—Yes, it was to get rid of all claims which would have impeded the enjoyment of this common by the public.

620. And, it in fact, gave you the power of inclosing, or preventing the inclosure, of that space?—Yes, as regards prevention.

621. And that you paid for?—Certainly.

622. But you say that to do it on a larger scale would involve millions of money?—I speak haphazard but it must occur to the mind of anybody that, if you took that map and bought up the fee simple of all that land, the price would be enormous.

623. Mr. *Winn.*] Do you not think that it would be more important to fix upon some large spaces which might be obtained for public use rather than to give a deficient area of 25 miles radius. Supposing that there were a large desirable space beyond the 25 miles radius, would it not be more desirable to obtain it, supposing that it was particularly accessible to railways Supposing that a place 30 miles off was particularly accessible to railways, would it not be more desirable to secure it rather than some place not so accessible within 25 miles?—It would be a very valuable thing to do, but you must have some guide; there must be either an area defined, or a certain distance. The principle of securing those open spaces, whether done by a radius, or by scheduling the names of places, would no doubt be equally valuable to the public, and perhaps your idea could be carried out by having some special places in addition to the radius.

624. The district is so differently furnished by railways, that some places even further from London might be exceedingly accessible?—Yes; that is an important idea; I think that it might be desirable to have that as an appendix to the other; perhaps the same object would be attained if the Bill of Mr. Cowper were passed, but I think that it would be a very great comfort and advantage, if we could begin by securing the 25 miles radius.

625. But what Mr. Ridley suggested, was that certain places should be taken out?—I think that it would come to very much the same thing, because any local authority which was inclined to do its duty, and which was careful, would suggest very much the same space.

626. In one direction out of London there are a great number of such desirable spaces, and in other directions there are a small number of them, that was the ground upon which Mr. Ridley made that suggestion?—We should get authority under the Act if that radius was taken, and therefore we should select the places according to the expediency of the case, and the benefit which would be conferred upon the public.

627. What has been proposed by Mr. Ridley is that some commons should be excepted?—It would seem almost a pity to except them if they came within the benefit and scope of this Bill; the matter is always controlled by public opinion.

628. If this Bill passed, those commons could not be inclosed, even if they were not wanted for the public, without a special Act of Parliament?—Certainly; if you extend this Act to any radius upon which you may determine, it may be so comprehensive that it may include anything, and you would depute it to a public body.

629. Without its being of any service to the public, might you not be preventing the possibility of inclosing other spaces if you adopted a radius of 25 miles, because there might be some spaces so small as that it would not be desirable to have them as open grounds, and where it would not be worth while to obtain a special Act?—No doubt; that point is very well worthy of consideration.

630. You said that you gave 10,000 *l.* for the lord's rights over the 155 acres of land at Tooting, is it not likely that in the case of other commons; even though you bought out the lord's rights you might have the owners of instituted rights of common coming in, and saying, "Before we submit to admit the public to the free use of this ground, you must compensate us"?—Yes; but I think that you must treat Tooting Beeke as a very exceptional case; it is within a very few miles of the Metropolis, and the Board considered they had made a very good bargain.

631. Suppose the case of another common?—I think that another case of that kind will hardly ever occur. That is a very peculiar case; I doubt whether the Board would hastily proceed to deal with another common in the same way as they have dealt with that common. It was considered of the highest importance to secure that common at once, because if they had not secured it at once, they perhaps would never have secured it at all. With regard to other commons, probably the Board will not feel themselves justified in interfering with them unless there is a public right in them, because we do not propose to deal with any case where there is not some right of the public.

632. But you propose to admit the public to an unlimited use?—No, not to an unlimited use, but only to ranging over the commons. This Act in the 6th section says, "A scheme for the establishment of local management, with a view to the expenditure of money on the drainage, levelling, and improvement of a metropolitan common, and to the making of bye-laws and regulations for the prevention of nuisances and the preservation of order thereon."

633. Might you not have commoners coming and

and saying, "We will not consent to the public using these grounds in this unlimited manner, unless you compensate us for the damage done to our pasture"?—Yes, and we might be compelled to pay such compensation, and it might be very prudent to do so; in some cases, no doubt, we should have to do so; if you treated the matter as buying up land, it would be a very serious thing. The common has very often been little used, and the rights have been disused, and the lord of the manor has, perhaps, never kept up his rights. I believe that I could mention one or two cases, within six miles of this place, where the lord of the manor has no court rolls, and has very much neglected his interests, and so have the tenants, and so have the copyholders.

634. Lord *George Hamilton.*] From your experience can you offer any suggestion to the Committee with regard to Hampstead Heath, by which you think that a satisfactory arrangement might be made with the lord of the manor?—I think that that matter had better be dealt with by the declaration of a court of law rather than in any other way. When we see what the practice of the lord, and of the Commissioners is, we can very much better suggest what should be done. The commoners say that the lord has no right to dig gravel, and has scarcely any rights which should interfere with them; on the other hand, the lord says to the commoners, "You have disused the common so long that I will take every one of my rights." That suit, no doubt, is perfectly justifiable, and may turn out to be very useful, because any rights which exist must be dealt with and decided upon.

635. In a case like that where the lord of the manor asks a large sum for compensation, you would not suggest that any small part of the common should be sold?—That point would require a great deal of consideration. The public, I think, would be so jealous of any part of Hampstead Heath being sold, that it would give great dissatisfaction if any part of it was sold. Before Sir Thomas Maryon Wilson died, I learnt that possibly something of that kind might be done, and that other land might be given up to the family, if the rest were given to the public; but I do not think that it ever assumed the shape of a definite plan.

636. Mr. *Johnston.*] Have you any doubt as to the advisability of the purchase of the rights over Tooting Beeke?—I think that it has been considered by all parties concerned in it as a very important thing.

637. Has it not been held to have prejudicially affected the case of the inhabitants against the lord of the manor of Tooting Graveney?—I think not, nor do I think that it can do so.

638. Was not the general opinion of your Board somewhat unfavourable to the Act of 1866 when it was introduced; but since it has been passed, have you not found its advantage, and promoted schemes under it?—So far as my recollection or knowledge goes, the Board always looked upon this Act as being a valuable one; not as being perfect, and not as conferring all the good which it might have done, but they thought that the principle was valuable.

639. What schemes have the Board actually presented to the Inclosure Commissioners under that Act?—I have stated the cases which have been under consideration, but we have actually not carried out a single one.

Mr. *W. W. Smith.* 5 July 1869.

640. What schemes have you presented?—Plumpstead, I think, is the only one. There are several schemes prepared, and which would have been carried out except for these suits, but I think that the only scheme which was actually presented was Plumpstead; London Fields, Hackney, is another case.

641. You know that a scheme has been presented for Wimbledon Common by other parties?—I believe so; but it was never acted upon. I believe that the Commissioners were obliged to suspend their proceedings upon that case on account of litigation.

642. Are you aware that the plaintiffs in the various Chancery suits now pending pray the Court to clearly define the rights of common vested respectively in lords and commoners, in order that schemes under this Act may be obtained?—I am quite aware that they ask that the rights of all parties may be determined, but I am not aware that they pray that a scheme may be carried out under the Act

643. If a scheme were prepared for a common which would not injuriously affect any rights exercised by the commoners, in your opinion would it be necessary to give compensation to anyone?—None whatever; that is what we are most particularly desirous to be careful about in our proceedings, namely, that we may not compensate parties who have no right to compensation.

644. Is it not the fact that at Blackheath no rights are exercised beyond the right of common of pasturage, the Crown and Lord Dartmouth having waived their right to dry gravel?—From what we have seen and heard, I think that no one would assume that they have given up their rights; I rather think that those rights have been disused by the Crown for some time; I am not able to speak with confidence upon that subject; I recollect that it was stated in the Report of the Committee of 1865 that the Crown derived a rental.

645. Any lord or commoner of a manor may present a scheme to the Inclosure Commissioners equally with your Board as the local authority?—Clearly.

646. Mr. *Bonham-Carter.*] One of the witnesses who have been before us has stated that he would be glad if the operation of the Act were such that the commons should remain in their existing state; from your experience of the London commons, and especially with regard to what you have said with respect to Wandsworth Common, are you not anxious, as representing the public, that the commons should remain exactly as they are, but that under that Act there should be some beneficial control to prevent nuisances, and to change the present state of things with regard to the public user of the common?—Precisely so; in point of fact I would make the commons what everybody would desire, that is to say, I would make them useful, and I would drain them, and I would prevent nuisances, and so on.

Thursday, 8th July 1869.

MEMBERS PRESENT:

Colonel Barttelot.
Mr. Bonham-Carter.
Mr. Thomas Chambers.
Mr. Cowper.
Mr. Andrew Johnston.
Mr. Knatchbull-Hugessen.
Mr. Knight.
Mr. Charles Reed.
Mr. Henry Samuelson.
Sir Henry Selwin Ibbetson.
Mr. Rowland Winn.

THOMAS CHAMBERS, Esq., in the Chair.

Mr. Philip Henry Lawrence, called in; and Examined.

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647. *Chairman.*] You are Solicitor to the Commissioners of Her Majesty's Works?—Yes.

648. You formerly took a great deal of interest in the preservation of commons in the neighbourhood of the metropolis, did you not?—I was professionally engaged for several commoners, and persons interested in several commons in the neighbourhood of London:—Wimbledon, Hampstead, and other places.

649. You have been so engaged for some years past?—I began to address myself to that subject in the year 1865, when the general movement took place.

650. You have therefore formed some opinion as to the means of protecting the commons in the neighbourhood of the metropolis?—Certainly.

651. And you have formed an opinion as to the most expedient mode which Parliament could adopt for accomplishing that object?—I have considered that question.

652. Have you any particular evidence to give to the Committee, or any suggestions to make with reference to the two Bills which have now been referred to this Committee as to any improvement in the machinery, or any extension of the area over which Parliament should give protection to open spaces?—I am not personally acquainted with many of the spaces lying between the area of 15 miles, and that of 25 miles radius, which, I believe, is proposed by this Bill; the only such space which I can at this moment remember, with which I am familiar, is Epping Forest, and therefore I should hardly like to give any opinion upon the expediency of extending the present area, founded upon my actual knowledge. The Committee can judge better than I can of that expediency, on general grounds of policy. As to the working of the Metropolitan Commons Act of 1866, I may state that I had the honour of assisting Mr. Cowper, who was then First Commissioner of Works, in the preparation of that measure, and he paid me the compliment of consulting me during its progress, on certain points connected with it; there were certain objects which I, at that time, should have proposed to have had incorporated in the Act, and amongst others I may state that I thought that it would have been perhaps better if an independent Board could have been appointed to deal with this question as a new question; that was not thought expedient by Parliament, and the machinery was placed in the hands of the Inclosure Commissioners; now the Inclosure Commissioners are a very able and most highly respectable body of persons, both as to their legal attainments and in every other respect; but the object of the Inclosure Commissioners has always been to carry out the policy of the Inclosure Acts as laid down in Parliament, and they have never yet had their attention distinctly drawn to the necessity of providing for the recreation of the public in the neighbourhood of large towns; I do not mean to say that those gentlemen would not regard that object, but it is foreign to their former duties, and I think that their machinery, and, perhaps, their habit of mind rather is to regard that object as a less important object than what was the paramount object in 1845, for which they were constituted, namely, increasing the production of the country by the growth of corn, and by other agricultural cultivation of these commons throughout the country. It is obvious that in the neighbourhood of a place like London, not much advantage can be gained to the country from the cultivation of such places as the commons within, say, 15 miles round London; the amount of corn, or other produce, which might be grown upon them, if they were capable of being so cultivated, would be very trifling, taking it in comparison with the whole area; and, therefore, I understand Parliament to have decided the question that those places should be, as far as possible, preserved for the purposes of recreation. That policy has been declared by several Acts of Parliament, and I think that it is that policy which ought now to be carried out by the Inclosure Commissioners with reference to all metropolitan commons.

653. For those reasons you would consider that, upon the whole, the Inclosure Commissioners were not the body who were best adapted to carry out the Act of 1866?—Yes; that was my opinion at the time, and I only mention it with a view to make a distinction between the general policy of Parliament, with reference to these commons, and Inclosure Acts generally. I think that an expression of opinion from a Committee, or from Parliament, might be of use, with a view to guide the policy of the Inclosure Commissioners in dealing with the Act now under consideration. Various objections have been raised

raised to carrying it out, as to certain schemes with which I have had to deal; and I mentioned, with great humility, that I differed in the construction of that Act (as perhaps is natural, I having been in some measure concerned in framing it), from the view which was taken by the Inclosure Commissioners. The Inclosure Commissioners considered that they could not carry out the provisions of that Act in any case where litigation was going on with regard to the rights of the parties. Now the object of the Act was not to determine those rights in any way, and it is possible that it might be useful to put a clause into this Amendment Act (if it is thought desirable to reconsider the policy of that Act,) enacting that any scheme to be authorised under the Metropolitan Commons Act should not have the effect of interfering with any rights whatever in litigation, or otherwise. That probably might obviate the difficulty which the Inclosure Commissioners feel in dealing with these schemes.

654. Your opinion is that the objects of the Act of 1866 might have been carried out, leaving all parties who claimed rights in precisely the same condition as that in which the Act found them?—Yes.

655. And you think that, inasmuch as the Inclosure Commissioners have not acted upon such an impression, it would be better to provide in any subsequent Act that the rights of parties should be unaffected by any proceeding under the Metropolitan Commons Act?—Yes.

656. Mr. Ridley, who is one of the Inclosure Commissioners, considered that the provisions enabling them to hold an inquiry to ascertain and decide upon rights were insufficient; in your judgment, is it desirable that there should be any such inquiry, with a view to ascertaining, and defining, rights which may be in dispute?—Parliament decided that it was not expedient to give those rights of inquiry to the Inclosure Commissioners, because, in the first place it was insufficient in practice, and, secondly, it often led to a trafficing in these rights, which was inexpedient. I think that some misconception has existed with reference to the intention of the Act. There may be a doubt whether the intention of the Act is sufficiently expressed by its language; but from my personal knowledge, while this Act was passing through Parliament, I may state that the intention of this Act in Clause 14, which provides that "every scheme shall state what rights claimed by any class of persons are affected by the scheme," was not to direct that wide character of inquiry which has been assumed by the Inclosure Commissioners to have been prescribed. The policy of the Act, which was founded upon the Report of the Committee of 1865, was to provide a machinery in all cases where open spaces existed, without reference to the question, who were the persons entitled to the rights upon those spaces; and that they should be so taken care of as to prevent their falling into decay, and becoming places of public nuisance. It was thought by the Committee that the inhabitants were the fittest persons to guard the physical condition of the common, and that in all cases they should be encouraged in that work, and that the inhabitants should be allowed a share in the management if they were willing to assume it. By law the inhabitants *qua* inhabitants had not a right to interfere with the common; and certain lords of manors, for instance, Lord Spencer, who is quoted here, gave evidence before the Committee that in consequence of the increase in the population and the increased number of houses, and the many changes in respect to the common, very considerable nuisances had arisen, and that within the last six or seven years, he had had very considerable complaints connected with the common as to encroachments, and rubbish, and gipsies' camps, and various other matters. It was thought by the Commitee that without reference to any rights whatever, where such an open place existed, the inhabitants living in the neighbourhood might be allowed to manage the place, so that it should not be a public nuisance, if they were willing to bear the expense of management without interfering with any person's rights, and without regard to the question of any right to inclose it, and without regard to any rights of the lord or of the commoners; and that the inhabitants might have the liberty of appointing conservators to watch over the physical condition of the common in order to prevent nuisances and irregularities, and rubbish being put upon it. The Act of 1866 followed that recommendation of the Committee, and provided for those objects giving power to the conservators under a scheme to manage the common. Then the Act went a step further, and provided that they might also have the liberty to drain in certain cases, paying the expense and possibly of improving and levelling, or planting trees. That was to be done under bye-laws. It was suggested that the drainage would be an interference with the right of the lord of the manor, because the soil being his you could not open the soil without interfering with his rights, and also that the planting of a tree might to a certain extent injure the herbage, and prevent the grass from growing underneath, and that however little the grass might be wanted, yet it could not be used if there was an interference with it; therefore in order to guard the interests of all parties it was provided that that interest should be represented and inquired into, and reported upon by the authorities; and with that view, in order to guard those interests, the 14th clause of the Act was put in, which provides that "Every scheme shall state what rights (if any) claimed by any person or class of persons are affected by the scheme, and in what manner and to what extent they are affected thereby, and whether or not the scheme has been in relation thereto consented to by that person, or class of persons, or any of them." Now the Inclosure Commissioners have rather taken a wider estimate of the purview of that clause, and they have thought that where rights were in litigation between the lord and the commoners, they were bound to inquire into those rights, and that if they could not determine them they ought to hold their lands and not prepare a scheme. Now I speak under correction, but I think that that was not the intention which the Legislature had in passing this clause, but that it was intended simply to guard those minor interests which were not intended actually to be affected, but which might by possibility be affected by any improvement which was undertaken. The 6th clause of the Act describes what those improvements are; that clause is as follows: "A scheme for the establishment of local management, with a view to the expenditure of money on the drainage, levelling, and improvement of a metropolitan common, and to the making of bye-laws and regulations for the prevention of nuisances and the preservation of order thereon may be made under this

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this Act." Those were the objects; and it was apprehended that any action under this section could not but benefit the persons entitled, except in the limited way which I have mentioned. If the commoners said that the drainage of a common would make it too dry to grow grass, it might possibly be an objection; or the lord of the manor might say, "I will not allow you to open the soil for the purpose of drainage;" I believe that those were the minor objects contemplated by that clause, and by the two following clauses, and I humbly submit that they are all which need be provided for in cases of this kind.

657. Then would you suggest an amendment of the 14th Clause or something which would qualify the 14th Clause?—If the Committee agree with the view which I have presented, I should suggest that the Inclosure Commissioners might have distinct powers to hear and decide on any proposal as to drainage or planting, and to report whether it interfered with any beneficial rights as practically exercised, and if it did to disallow it. I take it that if, on such an inquiry, the Inclosure Commissioners found practically that there was no great amount of damage to the persons affected, in case those persons should captiously object to any such improvement, the Commissioners would exercise their discretion, and so disregard the objection. I take that to have been the object of Parliament in passing that clause. There is another matter which generally comes into question, with regard to these commons, which I think wants a certain machinery to regulate it, namely, the digging of gravel and sand. There are questions which constantly arise between the persons interested, namely, the lord and the inhabitants, and the commoners, as to the mode and extent of digging gravel and sand. In some places the commoners have the right to dig a certain quantity, and it is highly inconvenient that they should be allowed to dig where they please. There is a sort of obligation to dig gravel and sand fairly, but not to interfere with the rights of pasturage. It is very easy to lay down that as a general principle, but it may be difficult to carry it out. I would suggest that the operation of the gravel digging might form a subject to be inquired into by the Inclosure Commissioners, and specially reported upon, but without giving them the liberty to decide whether such rights existed or not, if they were disputed, because then the question must always be referred to the courts of law.

658. Supposing the rights, both of the lord and of the commoners, to be admitted, you would make such a regulation as to the exercise of those rights as should not at all be in derogation of the public convenience, but should subserve the public convenience, or the use of the common for other purposes?—Precisely so; the only other alteration which occurs to me, after stating that no scheme should affect rights, is this: I should prefer saying that no scheme should by any possibility affect anybody's rights, so that no person should complain of it excepting in these trifling particulars. I think that that being so, it would not be contrary to public policy and to the law to allow the inhabitants of the place, whether they were commoners or not, to memorialise the Commissioners for a scheme. I take it that the policy of this Act is for the public and for the inhabitants, who are concerned to see that an open space of that sort does not degenerate into a public nuisance; and that, therefore, there would be nothing contrary to public policy or to private rights in allowing the inhabitants of a place, as well as the commoners, to memorialise. With these exceptions, I think that the Act would work extremely well. Formerly, before I took office, I passed a scheme under this Act, which has received the sanction of the Legislature, proving to Parliament that such a scheme is possible; that was in the case of Hayes; and I also had the satisfaction of convincing the Inclosure Commissioners that if that scheme was carried out it would be an advantage. That scheme contained the following clause:—"Saving always to all persons and bodies politic and corporate, and their respective heirs, successors, executors, and administrators, all such estates, interests, or rights, of a profitable or beneficial nature, in, over, or affecting Hayes Common, or any part thereof, as they, or any of them, had before the confirmation of this scheme by Act of Parliament, or could or might have enjoyed if this scheme had not been confirmed by Act of Parliament." I think that with those safeguards, this Act would work very beneficially, and might be made a most useful Act.

659. Is there any other remark with reference to this Act, or to this subject, which you desire to make to the Committee?—I presented a scheme for the management of Hackney Commons pursuant to some instructions which I received from that quarter, and it was objected to by the Inclosure Commissioners; they held that Lammas lands which are in Hackney were not subject to the operation of this Act; I ventured respectfully to differ with them in opinion upon the construction of the Act, because I find that the interpretation clause says that the term "common" means land "subject at the passing of this Act to any right of common." And as Lammas lands are subject to some rights of common, though only for a portion of the year, I thought that that objection was not well founded, and I was supported in that view by the opinion of counsel; but I, of course, bow to the decision of the Inclosure Commissioners in that respect; I merely submit to the Committee that that point might be made clear. That Lammas lands are such lands as Parliament intended to be included in this Act, I think may be fairly inferred from the provision of the Act of the 6 and 7 Will. 4, c. 115, relating to the inclosure of open and arable fields, section 55 of which Act provides, "That nothing in this Act contained shall authorise the inclosure of any open or common arable fields, or of any open or common meadow, or pasture lands, or fields, situate and being within 10 miles of the City of London;" showing that the Legislature at the time when that Act was passed, namely, in 1836, had in view the interests of the inhabitants with reference to these Lammas lands, and actually forbade their inclosure at that time of day.

660. Are Lammas lands there specifically mentioned?—The whole Act relates exclusively to open or common arable fields, or open or common meadow or pasture lands or fields, Lammas land is of that description; Lammas land is not a term known to Parliament, or known in the legal text books.

661. Lammas lands are held in severalty for a portion of the year?—Yes.

662. And they are subject to rights of common during the other portion of the year?—Yes.

663. What do you understand to be the right of common over these particular lands?—We will take London Fields, which is a portion of the

the Hackney Meadows; as it was explained to me (and I have every reason to believe it to be correct), that portion of land was entitled to be held in severalty, though not to be inclosed during the portion of the year between Lady-day and Lammas-day, which is the 1st of August, and it has been stated to me that the 1st of August was fixed with a view to the crop of corn; it is said that in former times the seasons were so different from what they are now that corn might reasonably be expected to be reaped by the 1st of August, which is very seldom the case at present.

664. That would be the 13th of August under the old style; the commoners in general, as I understand it, were let in after the 1st of August; there was a general right of common after the 1st of August; but up to the 1st of August the different owners were allowed to cultivate the land in severalty?—Yes.

665. Were those persons who were entitled to the right of common after the crop had been reaped, the same persons as those who had held the land in severalty for the purpose of reaping the crop, or were they the lord and the commoners, or were they the commoners exclusive of the lord?—The right, as I understand it, was the right of the whole commoners. In this particular instance I believe that I am right in saying (and I have been at some trouble to investigate that particular matter), that it applied to the whole of the commoners, and that it went so far as to say that the whole of the inhabitants, and that every parishioner in the vestry had a right; that is rather wider than is generally the case in most neighbourhoods, and whether it could be sustained at law or not, I am not in a position to say, nor could anyone say until it was decided, if it ever comes to be decided.

666. But at all events, whatever may be the decision in that respect, there is a right wide enough to justify you in calling it a common right?—Yes; it is alleged that those rights exist in every parishioner; that is contrary to a maxim of the law which says, that a person must have an estate before he can take such a right; I am not at all sure what would be the ultimate decision of such a question if it came to be argued; I do not think that it will ever be argued, but the practise has the authority of certain decisions, and of Acts of Parliament in times gone by, and it is now more interesting, as an antiquarian subject, than for any practical object.

667. The new scheme under this Act, would leave that right unaffected?—I think so.

668. Colonel *Barttelot.*] Is it those persons only who hold certain estates in the manor who would have the right after the crop is cleared, and not all the commoners?—I think not; after Lammas-day I believe that the land is common to all the commoners.

669. That is only so far as you know?—The practice may vary in different manors. In Hackney it is certainly not so represented, and it is in fact represented as being very much wider.

670. *Chairman.*] Do you know the distinction between what is called Shack land and Lammas land?—I should be very sorry to be asked to define it, for those terms are terms which are not known to the law, and they have arisen from local practices. If the courts of law were to be called upon to decide the customs, I do not say that they would not give the lands those particular names, but the names are not found in the legal text books.

671. It is local usage?—It is local usage. The local usage is very dissimilar in different districts, and it varies in each case, so that it is impossible to lay down any general rule which should apply to every place all over England. I do not think that there is any variety of form of common right which is not known in some place or other. A common right may be either restricted or unrestricted, it may be stinted at certain times of the year as to a certain number of beasts. It is a right of the most variable kind. I have had occasion to investigate a great many customs of manors, and I have never met with two which were precisely alike.

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672. Whatever these terms may mean they are all of them varieties of the mode in which the right of common may be exercised?—Yes. The Shack and Lammas lands are stinted in point of number and in point of time.

673. Is there any other matter to which you desire to draw the attention of the Committee?—No.

674. Mr. *Knatchbull-Hugessen.*] I understood you to say that you thought that the policy of the Inclosure Commissioners required guiding?—I perhaps might be considered presumptuous in using such an expression, but hope that the Committee will not misunderstand me upon such a matter. What I mean to say is that the policy of this Act, I take it, is something perfectly different from the policy under the Acts beginning with the year 1800, and culminating in the legislation of 1845, which the Inclosure Commissioners have had to carry out; of course, no more capable men than the Inclosure Commissioners could be selected for such a duty, but I think that it ought to be distinctly understood that if this Act is to work properly the specific rights in those commons ought not to enter into their calculation with a view to any division, or any appropriation of land, such as is contemplated by those Acts; that is all that I venture to say.

675. May I interpret your answer as having this meaning, that you think that the intention of this Act should be more explicitly declared for the guidance of the Inclosure Commissioners?—I think so, with all respect to them.

676. Mr. *Knight.*] I apprehend that you consider the one policy to be a national policy, and the other a suburban policy?—I think that they are both national policies. May I read the following passage from the Report of the Committee on Open Spaces. Mr. Wingrove Cooke stated, in his evidence before the Committee of 1865, "The office with which I am connected (the Inclosure Office) has great facilities for carrying out the objects which the Committee may have in view. We have facilities for ascertaining the proper compensation, and we have facilities also for apportioning that compensation when the amount is determined. We are also in the daily habit of selling lands, and there is scarcely any modification which can take place in order to attain any object which this Committee may have, and which may be sanctioned by Parliament, to effect which our office could not bring to bear its machinery." In reference to this the Committee state, "Without deciding as to the fitness of the various existing bodies who have been suggested for the office, your Committee would observe that the powers which they recommend that Parliament should confer, are not those of sale or compensation, as contemplated by Sir John Thwaites and Mr. Wingrove Cooke, nor are they disposed to recommend the

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levy of an additional tax on the property, or on the inhabitants of the metropolis, without having first tested the capabilities of the various localities." The Committee go on to say, "There would, no doubt, be a certain saving of expense, and a certain convenience in conferring the requisite powers on an existing Board; on the other hand, many of the views expressed by your Committee, and which, in their opinion, the public are interested in maintaining, are so new and special, and are likely, if adequately performed, to require so much attention, time, and care, that your Committee think they would probably be better and more vigorously carried out by an entirely new Board, having no views, interests, or traditions which might possibly clash with the paramount object of preserving for the public use, so far as may be possible, and by every legitimate means, the forests, commons, and open spaces in and around the metropolitan area." I did not mean to carry my observation further than that.

677. Mr. *Knatchbull-Hugessen.*] You have told us, and no doubt correctly, that the object of this Act was not to determine, in any way, the rights of persons interested in commons. But, looking at the 14th Clause, which says that the scheme shall state the rights which are to be affected thereby, and looking at the 15th Clause, which provides for compensation of rights, and looking at the 30th Clause, which gives power to any person having a right to appoint an agent, do you not think that it is absolutely necessary that rights should be determined before any satisfactory scheme can be carried out?—I do not think that it is necessary that definite rights should be ascertained; and I may remark that some of those clauses were not in the original Bill as drawn, but were put in to satisfy other parties. I think that they are rather contrary to the general intention of the Act, and I think that they have led to certain misconstruction in the carrying out of the Act. Of course it is not for me to quarrel with what Parliament in an Act has thought proper to do, but if you ask me the question, I am bound to say, that I think that those clauses go a little beyond the spirit of the Act, and that it would have been better that the clause, as originally drawn, should have been in the Act, namely, that no scheme should affect any rights whatever, and that would have prevented any misconception. I think that without deciding upon the rights, the Commissioners would be very competent to deal with the provisions of any scheme, and to say, whether in their judgment such rights as were known to exist were interfered with, or whether the rights of any person who claimed were injured, or were at all prejudicially affected. The only thing which could happen in the way of interference, would be in respect of draining and planting. If any person said that the planting injured his herbage, it would not be necessary to institute an elaborate inquiry into rights to determine that matter. But with regard to the main objects of the scheme such as preserving the grass and removing rubbish from the common, they must improve the common. Levelling generally improves the pasturage, and it is very hard to say, how there could be any serious damage to anybody from a scheme honestly framed under this Act.

678. If you interfere for good, or for evil, with existing rights, is it not necessary to ascertain the extent of those rights, in order to judge of the extent to which you are going to interfere with them?—If you benefitted those rights, I should submit that it was hardly necessary to judge of their extent under what might be a very difficult inquiry, and might lead to very little profitable result; but if the Committee think otherwise, it is not for me to interpose my opinion.

679. As the Committee have to deal not with the intentions of the framers of the original Bill, but with the Act as passed, am I to take it as your opinion, that those provisions, to which reference has been made, are so inconsistent with the intentions of the original framers of the Bill, that those clauses should be struck out or altered?—Not necessarily. I think that the law may be worked as it is.

680. Are you of opinion that many schemes are likely to be projected under this Act, and to come before the Inclosure Commissioners?—Yes; before I was in office I presented, I think, five or six schemes to the Inclosure Commissioners, and more would have been presented if they had not refused to consider cases where the parties were in litigation. I endeavoured to argue that point with them.

681. I understand you to question their discretion in that respect; you think that they might have gone on, although the rights were in litigation?—I think so; but I wish to pronounce that opinion with very great respect; I think that the view taken by the Inclosure Commissioners is contrary to the spirit, and the intention, and the letter of the Act.

682. Then you think that while certain rights are under consideration by a court of law, it is wise to deal with them under the provisions of this Act, or other Acts?—I do not think that it is wise to deal with them under the Act. Without at all interfering with any person's rights, I think that the measure deals with a physical evil, and there is abundant evidence before this Committee, and there was abundant evidence before the Committee of 1865 to show that large open spaces in the neighbourhood of a town are liable to demoralise the population, and to become public nuisances, unless they are properly regulated. If there is litigation concerning them, I think that they want that protection all the more, and I think that the Legislature might guard against prejudicing the rights of any persons over those places. If it be fairly and legitimately done, I cannot conceive why the existence of any amount of litigation or quarrels which may occur, as they have occurred, with regard to these places for hundreds of years should interfere with the public necessity, for a sort of police jurisdiction, a jurisdiction of management in the interest of the public at large, who are greatly interested in seeing that those places do not become a public nuisance, just as much as you are interested in seeing that your neighbour does not set his house on fire. The nuisance of which there is evidence with regard to many of these places is very great, and I understand this measure to be simply intended as a conservative measure, which, so far from injuring the rights of anyone, should improve the property and keep up the rights; in most manors there are disputes as to whether copyholders have certain rights, and what are the rights of the freeholders, but I think that those questions may go on, and that yet the place may be improved without interfering with those rights, and therefore I do not see why the Act should not be applied in spite of the pending litigation.

683. Do

683. Do you think that it is for the advantage of the public that the scheme which is set forth under this Act should be generally proposed and adopted?—Certainly.

684. In preference to keeping the commons as they are?—Yes; I think that schemes for supervision are very beneficial; I may speak as an inhabitant in the neighbourhood of a large common; we should be very thankful for the rubbish, and so on, to be removed.

685. Do you know of any places where it is desirable, in the opinion of some of the inhabitants, that a scheme should be set forth, but where the facilities granted by this Act are insufficient, and there is something which hinders that scheme from coming before the Commissioners; do you think that sufficient facilities are now given under this Act to bring schemes before the Commissioners, or that they may be stopped, owing to the fear that there may be insufficient compensation to parties having rights, or from any other cause?—As a rule, I think that the persons most interested are the persons living in the immediate neighbourhood of the place in question, and technically they may not have the rights, which, under this Act, would entitle them to present a scheme; I think that Parliament might very fairly give them such a right, inasmuch as such a scheme is not to interfere with, or take away, the right of any other person, and I think that they might be considered entitled to have the benefit of it for improvement of their own prospect.

686. Do you think that local action might be stimulated by the operation of this Act, or would you, irrespectively of local action, give to the Inclosure Commissioners, or to any other body, the power to initiate operations?—I have not considered that question sufficiently to give an answer to it; I think that if the inhabitants had the power, Parliament might very fairly wait to see whether they would not exercise it.

687. Has the operation of the 15th clause of the Act, namely, the compensation clause, come under your notice?—No; no proceedings, so far as I am aware, have been taken under that clause.

688. If the compensation which the parties thought necessary was not, in their opinion, sufficiently secured to them, might not that operate to prevent their bringing this question before the Inclosure Commissioners, they alone having the power of doing so; if they had rights, and if they felt that under this Act there was no security for adequate compensation, is it not possible that that might operate as a bar to their application for a scheme?—I have no doubt it would do so if that were the case; but it is not the case; this Act provides for the compensation of every right, and, in my opinion, rather encourages a claim for compensation; the great misfortune is, that it has led certain persons rather to look for compensation, and I think that that is a pity, because I do not believe that it is necessary to compensate any person under this Act, inasmuch as it is not necessary to take away his rights.

689. If a person under the General Inclosure Act would have had considerable rights, the value of which would have been increased by inclosure, and if Parliament passes an Act which deprives him of the power of obtaining the enhanced value of those rights, do you not think it proper that if he is so deprived for the sake of the public interests, compensation should be secured to him?—That assumes, I think, that he has a right to inclosure; I have always looked upon inclosure as being a boon to the landowner, which has been granted by Parliament in return for a benefit to the public from the increased production of the country; I think that the history of our Inclosure Acts points very much to that conclusion.

690. Does the preamble of any Inclosure Act lead you to such a conclusion, or is it only a general theory?—The first general Inclosure Act was passed in 1801, and that Act was passed after, and in consequence of three very elaborate reports from a Select Committee appointed by the House of Commons, over which Sir John Sinclair presided, in the years 1795, 1797, and 1800. These Reports were printed at a time when there was a great scarcity of corn, and they all have reference to the increase of the produce of the country. The preamble of the first of these Reports, which goes very elaborately into the whole question, recites, "A copy of the Resolutions of the Board of Agriculture on the subject of cultivating the waste lands and commons of the kingdom, together with various other communications from that Board; in particular, an Address from its President, on which the Resolutions above mentioned were founded; and also extracts from the printed reports of the different surveyors employed by the Board in furnishing accounts of the present agricultural state of the various counties in these kingdoms, and the means of their improvement. From the consideration of which, your Committee are deeply impressed with an opinion, that a general system of facilitating the division of waste lands and commons is an object not only anxiously to be wished for, as the means of removing a material obstacle to improvement and of promoting the prosperity and general interests of the kingdom, but more particularly as being one of the most effectual measures that can possibly be suggested for preventing any risk of suffering under the pressure of scarcity in future." Then the resolutions are, as to inclosure and the cultivation of potatoes, and other matters connected with agriculture. These Reports form the foundation of the Inclosure Acts, which are the subject of our present legislation. I have always considered (whether rightly or wrongly) that all the modern Inclosure Acts were formed upon the policy of that Report, which was intended to provide for an increased cultivation of the land for the benefit of the community.

691. If that is the case, and if, according to your showing, an inclosure is a free gift, by the Legislature, to certain persons, why should that free gift be confined to persons calling themselves lords and commoners, and why should not it be given to all the inhabitants?—I am unable to answer that question.

692. Does not that answer imply that there are rights in certain persons?—There are undoubtedly rights of many kinds.

693. Do you agree with the observation of a former witness, that, whatever rights may exist, with regard to inclosures, the public interests demand that, in the vicinity of the metropolis, these spaces should be kept open?—I understand that to be the policy of Parliament. I do not think that my opinion on that point is worth much to the Committee. I think that I am less qualified to speak upon that point than others. I have been professionally concerned in fighting these questions, and my opinion would not be worth much.

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694. Your opinion is a rather valuable one; you think that compensation should not be given, where the public interest is consulted, in such a case as this?—I think that compensation ought to be given whenever any valuable right is taken away or interfered with. I do not include in that statement any speculative right which has no pecuniary value.

695. If the public interests demand interference with some one who thinks that his rights are going to be interfered with, though you may think that they will not be interfered with, is it not just that the question whether his rights are going to be affected or not, should be referred to some independent tribunal?—Certainly.

696. With regard to the Lammas lands, is there any reason, in your opinion, why the Lammas lands should not be dealt with by this Act?—I think not. If they were used in the way in which they were formerly used, and in accordance with the technical rights which exist over them, then no scheme such as this would admit of any interference with the persons who cultivated them in severalty during a portion of the year. I can imagine that a scheme, even during the time that they held the Lammas lands in severalty, might provide against nuisances. Those Lammas lands are not inclosed, and I believe that in Hackney they have never been inclosed; and therefore the proprietors would not have the same facilities of watching and protecting them against thieves and vagrants as they might have on their own private lands, and the operation of the Act might assist them in protecting their property.

697. But, as regards Lammas lands, you know that they may be inclosed during the time for which they are held in severalty?—That depends upon the custom.

698. In either case you do not see why they should not be subject to the provisions of this Act?—No, guarded as I have mentioned.

699. Then if that is the case, and if the expressions "Lammas lands, half-year lands, and shack lands," exhaust the descriptions, of lands subject to rights of common other than those which are waste of a manor, would it not be well to name them in the clause, in order to prevent the possibility of misconstruction?—I think that doubts might very well be removed by the Legislature, even though they are not well founded.

700. If it is the opinion of the Committee that, in the Bill before the House, those lands should be included, do you not think that such a special description would be better than the words in the new Bill, namely, "any open space which has been enjoyed, or frequented by the public, for not less than 20 years before the passing of this Act"?—I think that the words as they now stand would not quite meet the case of these lands.

701. Have you turned your attention to the desirability of extending the operation of this Act to a radius of 25 miles from the metropolis?—I do not think that I can give any useful information to the Committee upon the nature of the lands between the two areas, with this exception; inasmuch as Epping Forest is cut in two, it seems to me that as this Act applies to the greater part of Epping Forest, it might just as well include the whole; there is a very small portion outside. I do not think that the map which is now before the Committee is correctly drawn as to Epping Forest, because that red line does not show the boundary of the area of the Metropolitan Commons Act; the area of the Metropolitan Commons Act is the police area, and it has a jagged boundary; there is a little portion of Epping Forest outside the area, although within the radius of 15 miles from Charing-cross; the metropolitan police area goes outside the circle in some places, and comes inside it in other places.

702. Are you in a position to state that the character of the lands which would be included by the proposed Bill varies to any extent from the character of the commons which are now under the operation of the Act of 1866, or are they of an identical character?—Not having inspected them, I am not able to say; but the further you go from London, the more agricultural the lands must be.

703. With regard to the Suburban Commons Bill, which is referred to this Committee, have you considered the subject of the application of the provisions of this Act to commons other than metropolitan?—I have had the matter generally under consideration.

704. Have you formed any opinion which you would like to express to the Committee upon that subject?—I am not able to carry it much further than the evidence which was given by Mr. Blamire, the Inclosure Commissioner, in the year 1844, previously to the passing of the Inclosure Act of 1845. I should state that the report of that Committee was the foundation of the important Act, the Inclosure Act of 1845. Mr. Blamire was asked, "Have you had your attention drawn to the cases of inclosures on those commons which are in the neighbourhood of manufacturing towns?" to which he answered, "I have known instances where inclosures have taken place in the vicinity of populous places, undoubtedly;" then he was asked, "Do not you perceive that there is a very great difficulty in giving the inhabitants of such districts those fair means of recreation, and of getting something like fresh air, which no allotment could produce?" His answer was, "There ought to be the greatest possible care taken to provide adequate ground for the recreation of inhabitants of towns; I conceive that the health and the pleasurable purposes of such inhabitants would be very much increased generally, if it were practicable to drain and to level those commons, and to define the distinct rights of pasturage upon them, without authorising any inclosure of them. The inclosure of commons in the immediate vicinity of populous towns, and where the allotments in respect of the several properties must necessarily be of a very minute extent, and where they are not valuable for the purposes of cultivation, invariably leads to a public nuisance, by holding out a facility for parties to set up their temporary huts, to the great annoyance of the whole district; those inconveniencies constantly arise where the allotments are of so small and limited an extent, as not to be available for the purposes of ordinary cultivation."

705. *Chairman.*] Will you give us your own opinion upon the subject?—I have no special information with regard to commons near large towns, which would justify me in expressing an opinion as to the desirability of their inclosure or otherwise; the Committee are best able to judge for themselves of the desirability on public grounds.

706. Mr. *Knatchbull-Hugessen.*] Have you ever lived

ived in a town out of London?—Yes; I lived at one time in Liverpool.

707. Did you ever live in a town of 5,000 inhabitants?—Yes, for a short time.

708. Did you ever go out for a walk of five miles to a common?—I am not aware that I did.

709. Do you consider that that is a good limit to put with regard to such a town, or do you think that it is too large a one?—I am hardly competent to answer those questions, which are not in my province.

710. You merely state, as we should all agree, that open spaces in the neighbourhood of a crowded population wherever you may find them, are very desirable?—Yes, that is my private opinion, for what it is worth.

711. Do you think that cases might occur, in which the provisions of this Act might possibly be injurious to the inhabitants of a town; take, for instance, a common which is of a marshy and low character, and not at all suited for walking, or recreation, but which might be reclaimed and adapted for agricultural purposes; do you not think that the provisions of a Bill which prevented the inclosure and drainage of that land would be decidedly prejudicial?—I look upon it, that this Bill would not prevent that operation, and that the moment that the necessity of an inclosure was recognised, a Bill could be brought into Parliament to inclose that land, and that Parliament would judge of the expediency of its inclosure.

712. Then you would pass a general Act with a view to having exceptional cases dealt with by special legislation?—Parliament has already decided that exceptional precautions should be taken with regard to an area round certain large towns. The Legislature is not at all prevented by this legislation, or by any other legislation, from dealing as it pleases with commons in the neighbourhood of large towns, by inclosure or otherwise.

713. Is it so? Parliament, in the Act of 1866, has stated, that, "after the passing of this Act, the Commissioners shall not entertain an application for the inclosure of a metropolitan common, or any part thereof;" then it goes on to say that schemes for certain purposes may be made; is not the object to prevent inclosure?—The object is to prevent inclosure in the regular way, and to restore parties to the same position as they were in before the Act of 1845. Under the Act of 1845 the Inclosure Commissioners had large powers to deal with inclosures without coming to Parliament; and there is an exception in the case of all commons within a certain distance of large towns. That, I take it, was with a view of drawing the special attention of Parliament to any cases within a certain distance of those large towns, and making them the subject of special application. Subsequently to the Act of 1845 (I cannot remember the exact year) the power of the Commissioners to deal with any cases on their own authority, without coming to Parliament, was taken away, and therefore the two classes were equalised; but the present Act does no more, in spirit and effect, than the Act of 1845; it necessitates that parties shall come to Parliament by a special application, rather than under the general powers of the Inclosure Act. The Committee are of course aware, that in the case of a proposal for an inclosure under the Inclosure Act, the parties go before the Inclosure Commissioners, and practically never go before Parliament at all. The inclosures are put into a Bill, and, unless particular attention is drawn to them, they pass as a matter of course. It was expressly with a view to hinder that application of the Act as to commons round London that that clause was put into the Metropolitan Commons Act; of course, it would not be possible to take away the power of Parliament to inclose any common as they did before 1845.

714. Is it not the fact, that the object of this Act is to prevent these commons being inclosed in the neighbourhood of the metropolis, but to sanction certain schemes for their regulation without their being inclosed?—Yes.

715. Then Parliament is not able to proceed to the inclosure of any common near the metropolis, except by special legislation overriding this general Act?—Yes, in the same way as before 1845; the special system of inclosure began in 1710, and continued down to 1845 by special inclosure measures, and in 1845 the General Inclosure Act was passed; but that Act does not in the least degree prevent the inclosure of a common which is well-adapted for purposes of cultivation, and which is ill-adapted for recreation, being brought before Parliament; and, practically, it might be just as well inclosed as though this Act had not been passed.

716. Are you aware that a Committee has recently been sitting upon inclosure Bills?—Yes.

717. Is not that a proof, that under that system inclosures do come before Parliament? — No doubt; but that is an exceptional case.

718. Mr. *Bonham-Carter.*] Will you look at this publication (*handing a document to the Witness*), with reference to the commons near the metropolis, which at the end has what appears to be the imprimatur of the Association of which you were the honorary solicitor; have you seen that document before?—No; but I see my name mentioned here.

719. Am I right in inferring that that document was issued with the authority of the society to which you were acting as solicitor?—I really cannot say. I see the names of the Right Honourable William Cowper, one of the members of this Committee, and of Mr. Shaw Lefevre, in conjunction with my own; but I have no personal recollection of the publication.

720. This is a small pamphlet, stating the quantity of commons and open spaces near London, and which is apparently admitted by being placed in conjunction with the prospectus (I do not mean the prospectus in a commercial sense) of the Commons Preservation Society; are you able, from your connection with that society, to say whether the statement that rather over 17,000 acres of open spaces are within a radius of 15 miles from St. Paul's is correct?—I should not like to answer that question from memory; I believe that a Return is before Parliament which gives the number of acres; I did not think that it was as many as 17,000.

721. You took a very active part in this association?—I believe that I advised, when I was called upon to do so. I do not know that I was more active than any other professional man could have been in the discharge of his duty.

722. You are not sufficiently acquainted with this document for me to ask you any questions upon it?—Certainly not. The secretary of the society is in the room, and he says that he had nothing to do with the publication of that document, and that the prospectus at the end was intended as an advertisement which was paid for.

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I think that it was an injudicious thing to publish names without the consent of the persons.

723. There are a large number of private rights involved in the inclosure of those commons?—Certainly.

724. Is it not natural that when documents, apparently bearing the imprimatur of such a respectable society as the Commons Preservation Society are issued to the public; persons should rather gather the intentions of the society from the statements in those documents?—I can conceive nothing more natural than that it should be so; it might not always be just.

725. One of the phrases used is, that the thing to be prevented is collusion between the lord of the manor and the commoners; is not that language which would naturally lead lords and commoners to think that there was some design to infringe upon their rights?—I would rather not answer that question. I am not in the least responsible for that document. I am not now at all connected with that society. I was formerly connected with it. I held the position of adviser to that society; and I gave them the best of my humble advice upon the questions on which I was asked. I had no authority to bind them, even at that time, and I certainly have no authority to do so now; I trust that I have not overstepped the bounds of propriety in anything which I have done, but I cannot answer for others; nor would I even answer for that society, respectable and honourable as the members of that society are. I think that they are quite able to answer for themselves.

726. I think that in your evidence you have expressed that the object which you have in view is most entirely consistent with a respect for the maintenance of private rights?—Certainly.

727. You stated that you had taken considerable part in the arrangements under the Metropolitan Commons Act with regard to Hayes Common?—Yes; I prepared the scheme for the inclosure of Hayes Common under instructions from the rector, the churchwardens, and the inhabitants of that parish.

728. Are you in any way cognisant of the state of things which led to the bringing of that common under the operation of the Act?—Yes; I investigated the whole case.

729. Are you aware of the fact, that the rights of the lord of the manor were so exceedingly doubtful with reference to the boundaries of the common, that, practically, he was unable to proceed against trespassers?—I investigated the boundary of that common, and I believe that the boundary was perfectly well defined; the question was of a different character, namely, whether the lord of the manor had, or had not, the right of a superior lord; all these questions are under the old feudal rights; the lord of the manor has certain tenants under him, who are his commoners; it must be always the case that the lord is a tenant of the sovereign, but it sometimes happens that the lord is not the immediate tenant of the Crown, but is a tenant of another lord who is a tenant to the Crown; and in the case of Hayes, the question was whether there was a superior lord in the manor of Baston, or not; but that did not affect the scheme, because I advised the parties that they had only to do with the inferior lord; I distinctly advised them that the inferior lord of the manor, in that case, was the proper person to give his consent to the scheme, and I think that in every case the inferior lord is the person who has to do with it.

730. Does not the Statute of *Quia Emptores* define the position of the lord?—Since that Statute, no inferior lord could be created; the lord might sell, but he could not create a sub-infeudation, as was done in the case of Baston.

731. Therefore, this superior lord had created a sub-infeudation before the Statute of *Quia Emptores*?—Yes, but that was not very clearly established; the steward of the superior lord was communicated with, and he said that he did not claim anything.

732. You have stated, that in all probability several commons would have been brought under the scheme, if it had not been that they are under litigation?—In one case I presented a memorial, and its consideration was declined on that ground. I had other similar cases, which, but for that refusal, would probably have been brought forward.

733. Is it within your experience, or belief, that this litigation arose in consequence of the persons who were interested, or the public wishing to oust the jurisdiction which was created under this Metropolitan Commons Act?—No; a litigation arose in consequence of the Metropolitan Commons Act; but in consequence of the lord of the manor wishing to approve or inclose under his alleged powers as lord of the manor.

734. Then you do not believe that litigation has arisen in consequence of the desire to ascertain rights in reference to this scheme?—Certainly not, and I do not see how it is possible.

735. You have stated, that there is a great variety of rights in manors; from your experience in connection with the Commons Preservation Society, have you formed any opinion whether the usage within the metropolitan common area is very various or not?—Certainly.

736. Does not the nature of the usage very much affect the advantages which are to be obtained by the commoners, and the lord, upon the inclosure?—No doubt, and that has to be taken into consideration by the Commissioners upon every inclosure.

737. Would it not be a very great boon to the lord, and to the commoners, in the case of a common, in which there were very numerous rights, and rights of very various kinds, to give them the power of inclosing under the Act of 1845, and to give them the same power as in a case which might occur with Shack lands, where the common was defined, and where the rights were very few; would not the advantage which is given by the Act of 1845, be very much more valuable in one case, than in the other?—It would be entirely a question of the extent of common, and of the nature of the interests, and the number of persons.

738. Supposing the case of a lord and three or four commoners, and the case of a lord and 500 commoners, would not the difficulty of obtaining consents for inclosure, without an Act, be very much greater in the one case than in the other?—Yes; the expense would no doubt be greater.

739. So that the power which is given by the Act of 1845, to inclose upon the consent of two-thirds, would be a very much more valuable power in the case of a large common with various rights, than in the case of a common in which the interest was vested in four or five hands?—Yes.

740. As the general belief is that the authority claimed on behalf of the public for allowing an inclosure under the Act of 1845, was a ground for asking for recreation grounds, and other concessions

cessions for the public, the power which is given by that Act would be exceedingly valuable in one case, and not in the other?—I suppose that it would be more valuable in the case which you have described.

741. We have been told that an unopposed Inclosure Act might cost 400*l.* or 500*l.*, and that as far as regards the proceedings of the Inclosure Commissioners, it might cost 40*l.* at the outside?—Yes, I believe so.

742. The proposal is to extend the Metropolitan Commons Act to a very much larger area; are you not withdrawing from commons which are very near the point at which they can be inclosed without an Act of Parliament at all, the power which is given to them by the Act of 1845, and at the same time withholding it from other cases where it might be more valuable?—You withdraw the facilities from those commons, whether it is right or not is another matter.

743. You say in fact to the owners, namely, the lords and the commoners, of a very large quantity of commons, "You shall not have the power of proceeding under the general Act, but shall go to the expense of a private Act"?—Certainly.

744. Have not a very great number of commons been inclosed between the limits of 15 and 25 miles?—I am not competent to answer that question, but I believe that the returns are before Parliament.

745. If a great many commons have been inclosed upon a policy which was avowedly made operative in 1845, is not it very hard that that boon should be withdrawn from a man, when perhaps his next door neighbour has availed himself of that boon?—That is a question for Parliament to determine.

746. Then, considering the policy which you have advocated in connection with this society, you would rather not express any opinion whether or not the radius should be extended beyond 15 miles?—Throughout my professional life, I have endeavoured to preserve the character rather of an adviser than an advocate.

747. Looking at those powers which exist for improving the metropolitan commons within the area, have you considered whether they might be extended beyond the area without rendering it necessary to withdraw the power given by the Act of 1845?—I do not quite understand the proposition; I think that you must either withdraw the Act or keep it in force.

748. Certain powers are given by the Metropolitan Commons Act; that is, to a certain degree, compulsory, because you have within that radius withdrawn the power of using the Act of 1845?—Then you mean that you might apply the Act except as to clause 5; it would be quite competent for Parliament to do that.

749. You believe that the Act which has had at present a small operation, and only in the case of Hayes Common, might in some respects be made useful outside that area, without withdrawing the power of inclosing under the Act of 1845?—It would be quite competent for Parliament to do that.

750. With regard to Hayes Common, are not the rights almost entirely vested in the lord?—Yes, except in cases where the loppings belong to the tenant; the stem of the tree is almost invariably in the lord.

751. Then, in your proposition of planting, would you make arrangement to withdraw the ownership of those trees from the lord?—If you plant the trees, my impression is that you make them a present to the lord; but I hardly think that an ornamental tree, planted under such circumstances, would be cut down by the lord.

752. But, as a matter of fact, the law of the land would vest it in the lord?—Yes.

753. Are you aware that the question of the planting of trees is a question of great dispute in the New Forest?—Yes; no doubt, where the trees are thick; but that is hardly to be considered the same case as the planting of a few trees near London.

754. But it would practically lead to disputes? — There may be disputes on such matters.

755. You would give the inhabitants, in some cases, a *locus standi* to propose schemes?—Yes, I suggest that.

756. How would you define the inhabitants; would you limit them as being ratepayers?—Yes, I think so. It is usually proposed in these cases that the ratepayers should bear the cost of management. It is their interest to have a decent nice-looking place before their doors, rather than a bear garden.

757. Have you any notion what are the commons within the metropolitan area which are Crown commons?—There are very few. I think that there is only Blackheath.

758. Was Chigwell Common a Crown Common?—I think not. The Crown had forestal rights there; but I do not think that Chigwell Common was a common vested in the Crown. I may be mistaken.

759. Have you any information which enables you to say whether there are many commons within the area in which the lord of the manor has been divested of his rights; we have had our attention called to allotments from poorer commons, inclosed many years ago, and vested in trustees; are you aware whether that exists?—I am not able to say.

760. Should you apprehend that trustees, or other parties concerned, with reference to inclosure (the lord having been previously divested) would be put in the position of the lord; in the case of several inclosures large allotments have been vested in trustees for the benefit of the poor; do you think that, by this transference (the lord's rights having been satisfied previously) the trustees would stand in the position of *loco boni*?—I should doubt it. If there are allotments, that is practically an inclosure.

761. You have mentioned that you consider that, in 1845, there was rather a reversal of the policy with regard to inclosures?—I think not. I rather think that there was an express intention of giving effect, to a policy which, to a certain extent, had been lost sight of, but which had always been contemplated by the Legislature in all the important changes made by the Inclosure Acts; because I find that, in the Act of 1845, a difference was established between metropolitan and other commons; and I also find that, in the evidence of Mr. Blamire, he foreshadowed precisely the nature of the provision which is carried into effect by the Metropolitan Commons Act of 1866.

762. Sir *Henry Selwin-Ibbetson.*] This Bill is a Bill to increase the area of the commons within the reach of the metropolis, and its purpose is to give the inhabitants of the metropolis greater freedom with regard to open spaces; have you any experience as to whether the population really use the commons which now are at the extreme

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extreme distance from London of the present area?—I have no reliable facts upon which I can give evidence before this Committee as to the extent to which those commons are now used.

763. Many of the commons which are now inclosed within the present area are only to be reached by railway service from London?—I suppose that that is so.

764. And therefore they are used by the population only on one or two holidays in the year?—I am not able to speak to the extent of the use; I have not investigated it with reference to these particular commons.

765. If these commons are only used on one or two days in the year, would you think it desirable to enlarge the area of the commons, depriving the lords of the rights which now exist, merely for the purpose of those holiday enjoyments on one or two days in the year?—I think that the increase of the radius must be a question for the Committee to consider.

766. Mr. *Johnston.*] In the case of a marshy common, is it not obvious that if parties in the interest of the public went to the expense and trouble of getting a scheme, they would be sure to drain the place, and make it healthy?—I should think so, and I should expect so.

767. The facilities granted by the Act of 1845 were granted on considerations of national advantage; if it appears in any case that the national advantage is the other way, is it not obviously right and fair that those facilities should be withdrawn?—That is a question for Parliament, and it is quite in their power.

768. Is it your opinion that liberty to inclose under the Inclosure Acts is a boon, because whatever rights there may be over a common, those rights are not sufficient to enable the persons who possess them to inclose without the assistance of Parliament?—I consider that it is a boon. It was reported to Parliament by various Committees previous to general legislation in this direction, that there was no power to inclose commons otherwise than by coming to Parliament; and the objects stated in the Reports of those Committees, so far as I have understood them, pointed to the increased production of corn and other agricultural produce for the benefit of the country, and the inference which I draw is, that the object which Parliament had in view was the benefit of the country at large, but that incidentally a benefit to individuals accrued as the consequence, and not the moving cause, of Parliamentary action; therefore, if the inclosure benefited individuals it may be termed a boon to them.

769. On what grounds do you understand that the Commissioners have refused to entertain schemes for inclosure where litigation is in progress—As far as I understand their reasons, I think that those reasons proceeded from the construction which they put on the 14th clause of the Act, which provides, that every scheme shall state what rights claimed by any person are affected by the scheme; and I believe that they felt it to be a difficulty that they could not state what rights were affected by that scheme until those rights were determined by a competent tribunal.

770. I understood the view, as it was explained to us by the Commissioner, to be this: the Act says that a common is "land subject to any right of common," and I understand that in the case of Wimbledon, for instance, the lord of the manor denied that there were any rights of common, and that until that point was cleared up the Commissioners could not decide whether it was a common at all or not; and that therefore they could not decide whether they ought to go on under the Act or not; did you understand that to be their view?—That may possibly have been their view. But I do not think that the legislature meant them to determine that question.

771. Would you recommend words being added to clause 2 of the Bill which is now before us, to this effect: "or over which rights of common are claimed"?—The Bill says, "any open space which has been enjoyed or frequented by the public for not less than 20 years before the passing of this Act," which, I think, would include that. I cannot see any possible objection to these words.

772. Would you recommend the introduction of such words as I have mentioned, namely, "or over which rights of common are claimed"?—I do not think that they could do any harm; I think that those words might be added.

773. Would they not enable the Commissioners to get over the difficulty which they now feel in entertaining schemes?—I am not sure that those words would be as good as the words which are already in this Bill; the object of this measure, and of the former measure, is to take care of any space which is now open, and not to inquire into any rights upon it. If in the neighbourhood of a large town there is an open space, the Legislature seems to think that it requires some protection and management, and therefore the test is whether it be open, and not whether rights are claimed; I should rather deprecate going into claims of rights any more than is expressed by this Act, the reference to rights has led to some misconstruction already; I think that the act is intended to refer chiefly to the physical condition of the common.

774. Do you approve of the suggestion that a registration of the rights of commoners should be provided?—I think that it might be a useful measure, with a view to their protection.

775. The honourable Member for Winchester spoke of alarming lords and commoners; does not your experience lead you to suppose that the commoners within the radius of the Act of 1866 are almost invariably opposed to inclosure, and would be thankful for any means of opposing it?—I think that, as a rule, the commoners are against inclosure; where they are inhabitants they are certainly so.

776. Mr. *Reed.*] Are the London Fields an open space in the sense of the answer which you have given to the last question but two?—The honourable Member calls my attention to a question which has been asked with regard to the London Fields; the London Fields is practically an open space; I have seen the place; it is inclosed by a post and chain fence; I presume that it would be considered to be an open space, but I am not sure that a question might not arise even upon that; however, such a place as the London Fields would be intended by this enactment, and if there was any doubt about its condition, it would be set at rest by a few words in this clause.

777. Are you familiar with the survey of Hackney in 1652?—Yes, I have read that survey.

778. Do you think that there would be any difficulty in inserting words into this Bill sufficient to protect Lammas lands?—Not the slightest difficulty.

779. Would you see any difficulty in the word "common" being held to include Lammas lands?—No; I think that it would be very desirable.

780. Within your knowledge has a scheme been

been proposed by the inhabitants of Hackney with respect to Lammas lands?—Yes; I was instructed to prepare one, and I did so.

781. In what state is it now?—It is in abeyance, because the Inclosure Commissioners considered that Lammas lands were not within the purview of the Metropolitan Commons Act.

782. Mr. *Samuelson.*] You have said that, as a rule, the persons most interested in these commons are persons living in the immediate neighbourhood, and that it would be a good thing for Parliament to give them this right?—Yes, I have expressed that opinion.

783. Would not the conferring of those technical rights upon the inhabitants seriously interfere with the rights of the lords of the manors and otherwise?—No; I would not confer any technical rights upon the lords, or upon the commoners, if they were rights which they had not got, but I would not affect anybody's rights.

784. Are there not many rights existing, but which are in abeyance, and from which no actual benefit is obtained by their owners in the present uninclosed state of commons?—Certainly.

785. Do you think that the owners of those rights have any claim for compensation with respect to them?—I think that that question is practically decided; when a railway company goes across a common, the purchase money for the land which the railway company takes is, practically, divided amongst the commoners, whether their rights have been used or not.

786. They would, in fact, receive compensation?—Certainly.

787. That is to say compensation for what is of no use to them at the time?—For what they do not avail themselves of; if a man has the right to put a cow upon a common, and does not avail himself of it, the law does not necessarily take it away.

788. Is not the result of levelling and removing gorse, and planting, and draining, to take away from the commons all their natural beauties?—I think that that is entirely a question of discretion and taste; I should not myself advocate the removing of gorse from commons.

789. Would it not have the effect of making them into uninclosed parks?—I do not think that that is the intention. The Committee, in 1865, went very thoroughly into the question, and they thought that these places were generally better as commons than as parks.

790. *Colonel Barttelot.*] Have you seen the Bill which is now before this Committee?—I have.

791. The principal object of that Bill is, in the second clause, to keep open any open space?—Yes.

792. Will you define what you understand by "any open space"?—I was a little puzzled just now to know whether a space, inclosed in the way which I mentioned, was technically quite open; but I think that the Committee might make it clear by a few words.

793. In what way?—In whatever way they pleased; it is not for me to presume to dictate to the Committee.

794. In your opinion, should a portion of ground be declared to be an open space if it is within rails?—I think that the London Fields is eminently a place which was intended to have the benefit of the provisions of this Act, and the mere fact of there being a fence between it and the road, of a character from which I think the Committee would hardly consider that the space was intended to be an inclosure, but that it was practically open, should not prevent the application of the Act. As far as I understand the intention of the Act, it would include such an inclosure as that.

795. Does not the very fact of that fence being there, show that the owners thought that they had a right to keep things on the road without trespassing over the land?—It would be a very bold thing to say what was the meaning of a fence, without inquiry; it may be that it hangs on a question of right, but without inquiry you could not go into the question of the meaning of that fence; you must go into the question of when it was put up, and who put it up, and a variety of things.

796. If clients of yours, who were interested in Lammas lands, asked you whether you thought that they had any rights, or whether the public had any right to deprive them of those rights, what answer should you give them?—I should certainly say that if they had rights the public had no right to deprive them of those rights.

797. Then surely you would not include Lammas land in the same category as open common land?—I think that you might include them under the provisions of a Bill of this nature, as it does not injure the existing rights of any person over those lands.

798. You have stated distinctly that, as you understand Lammas lands, certain persons have distinctive rights between certain dates?—Yes.

799. If you throw those lands open, do you not at once do away with those distinctive rights?—The lands are open already, and they are allowed to be walked over by everybody at certain seasons of the year. Supposing even the case of Lammas lands, where cultivation actually takes place during the period mentioned, no provisions of this Act (which is not to interfere with private rights), could possibly authorise the public to interfere with that process of cultivation, the provisions of the Act would simply come into operation to restrain trespassers from going upon those lands during that time, and afterwards during the time when they were in common to preserve them as in the case of other commons.

800. So that in a case like that of the London Fields you would make an enactment making them open whether they were Lammas lands or not; and in the next parish you would reserve the right to a man who exercised his rights over such land?—I would reserve the right in both cases. Under this Act I would not interfere with any person's rights in any degree whatever.

801. How can you explain that, when you say that you would allow these lands to be common lands, and to be used as common lands, a person having the power to use those Lammas lands because he could have a crop of hay off them?—I should allow him, most unquestionably, to do so.

802. Then you would say that they should be reserved to him from the month of May to the month of August?—Yes; he has that right at present, but he does not exercise it. If circumstances should occur in cases where those rights are really valuable and capable of being exercised, there is nothing in this Act to take away the right of such a man, which he would have had if this Act had not been passed.

803. Supposing that a man grew a crop of grass upon the London Fields, supposing them to be Lammas lands, and had not grown a crop until then for a number of years, do you think that the public, having been allowed to go over the

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the land for a number of years, would respect his rights?—That is another question. All I can say as to the operation of this Act is, that it seems to me that it would rather assist such persons than otherwise in making the public respect their rights.

804. Then, after all that you have said, we ought to be very careful in inserting in any Act of Parliament the words "any open space"?—If I understand the question rightly, I should rather draw the contrary conclusion; but I am not sure that I quite understand the question.

805. With regard to the 3rd clause in the Bill, taking a radius of 25 miles from Charing Cross, that is an extension of the present area from 15 to 25 miles, have you turned your attention at all to that point?—I have already said that I am not familiar with the circumstances attending the commons between those two areas.

806. Then you know very little with regard to that point?—Yes.

807. Looking broadly at the matter, do you think that the people of London would use most of these commons, supposing that they were reserved for their use, 10 miles further than they now are?—That is hardly a question for a lawyer. I prefer that the Committee should form their own opinion upon that point, and I am sure that they are more capable than I am to do so.

808. Do you know the Act of 1845?—Yes.

809. Will you read the first few words of the preamble?—"Whereas it is expedient to facilitate the inclosure and improvement of commons and other lands now subject to rights of property, which obstruct cultivation and the productive employment of labour."

810. Was not that Act passed with the intention of inclosing land generally throughout the country?—Certainly.

811. By the present Bill, which is referred to this Committee, the intention is to take away that privilege from land situated between a radius of 15 miles and a radius of 25 miles from London?—Yes, to take away the privilege of that Act.

812. Therefore you would be inflicting, to a certain extent, an injury upon those persons who have rights and privileges in the commons which are situated between the 15 and 25 miles line?—You would be depriving them of the benefit of that Act.

813. And consequently you would be injuring to a certain extent their property?—I would rather not draw an inference, but the fact is that you would be depriving them of the benefit of that Act.

814. Supposing that it was considered desirable to extend the radius to 25 miles, might it in your opinion be more valuable to select certain commons for the London public, and to pay the parties what was considered right with reference to those commons, and to leave the rest under the Act of 1845?—That is a question for the consideration of Parliament, but the policy of the present Legislation is not the paying of compensation at all, but simply a conservative policy, without purchasing or compensating rights in any way.

815. It is a great question whether in doing what you say ought to be done in making these commons available for the public, you do not trench very much on the rights of the lords and commoners?—I think that you pursue a policy which has been recognised by the Legislature, and if I rightly understand the justification for the extension of the Act, it is the increased population of the metropolis, and whether that is reasonable or not is a question of degree.

816. I will take another case which I wish to put to you; supposing that a common is very much frequented by people from London, and that you wish to improve it in the way which you state, and that it is improved in the way that you state, do you think it fair and right that the roads should be kept up by a rural parish, and that those roads should not be repaired in some other way than by the people of that parish?—It seems to be reasonable, that if rural roads are used to any extent by an urban population, the town should contribute, to some extent, to the repair of the roads.

817. Does not that show you the difficulty of dealing with these questions, unless you purchase up the rights of those persons who are interested, and make the land the property of the town?—I think that the question of purchase is a very difficult one.

818. I quite admit the difficulty, but is not the other a very great difficulty also?—I cannot myself see the difficulty of the Conservative policy which was adopted in 1866, and which I think is likely to prove beneficial; I think that other minor matters will, in all probability, right themselves.

819. Have you at all turned your attention to Mr. Cowper's Bill which has been referred to us?—Yes, I have seen that Bill.

820. It is there stated, "The term 'Suburban Common' means a common (not being a Metropolitan Common), any part whereof is situate within five miles of a city or town in England of 5,000 inhabitants or upwards, or within ten miles of a city or town in England of 30,000 inhabitants and upwards; your knowledge of England is very great, is it not, and of towns with 5,000 inhabitants?—I do not know that my knowledge of England is greater than that of others.

821. You know that class of towns?—Yes.

822. Do you not know that generally speaking, in a town of 5,000 inhabitants there may only be 3,000 inhabitants actually in the town, and that 2,000 may be situated merely in the parish, and not in the town at all?—Yes, but the population of towns has increased so much in the last 20 years, that it is almost impossible to judge of what a town may become from what it now is; I presume that these provisions are always intended to provide to a certain extent for the future; Parliament has always, apparently, gone a little further than the time present; in the Act of 1845 it was enacted, "that no lands situate within 15 miles of the city of London, or within two miles of any city or town of 10,000 inhabitants, or within two miles and a-half of any city or town of 20,000 inhabitants, or within three miles of any city or town of 30,000 inhabitants, or within three miles and a half of any city or town of 70,000 inhabitants, or within four miles of any city or town of 100,000 inhabitants, shall be subject to be inclosed under the provisions of this Act, without the previous authority of Parliament in each particular case. That was rather an extension of the Act of 6th and 7th of William 4, because there the radius was as follows: "That nothing in this Act contained shall authorise the inclosure of any open or common arable fields, or of any open or common meadow or pasture lands or fields situate and being within 10 miles of the City of London, or of any open or common meadow or pasture lands or fields situate and being within one mile of any city or town

town of 5,000 inhabitants, or within one mile and a half of any city or town of 15,000 inhabitants, or within two miles of any city or town of 30,000 inhabitants, or within two miles and a half of any city or town of 70,000 inhabitants, or within three miles of any city or town of 100,000 inhabitants," so that the Act of 1845 seems to have increased on the Act of 1836. Then there was a great question as to area in the Session of 1865, when the whole question of open spaces was considered. The Committee state in their Report, "The first question your Committee had to determine was the limit to which their enquiry should extend. The limit of 15 miles had been first suggested, but several important spaces being situate immediately outside that area, they judged it expedient to extend their enquiry to 22, and subsequently to 25 miles round London, measured from the General Post Office, according to the Ordnance survey. Whilst, however, they have admitted evidence in respect of certain open spaces in this extended area, this was done in the first instance for the purpose of enquiry, and not to prejudge the question as to what might fairly be considered the proper limit of a metropolitan area, beyond which these open spaces should be considered and treated more with reference to their agricultural capabilities than as directly affecting the interests of the inhabitants of the metropolis as places of recreation. Possibly no exact circle of a definite radius can be drawn which may not appear to embrace too much in one direction, or too little in another; and any area which may now be fixed may be found too small in some years' time; but looking to the necessity of fixing some area, they are inclined to recommend that the district of 15 miles radius from the General Post Office, according to the Ordnance Survey (the limit prescribed by the General Inclosure Act of 1845), be adhered to for the present as the metropolitan area, to which special legislation, with a view to the inhabitants of London, should in the first instance be directed. As the metropolis extends, it will always be in the power of Parliament to extend this legislative area. In the case of a proposal to inclose any spaces beyond the prescribed area in which the metropolis is interested, Parliament will have the opportunity of considering the requirements of that particular case, upon the Bill for its inclosure."

823. I am referring specially to the case of a town of 5,000 inhabitants; in your opinion, is not the distance of five miles from a town of that sort much too great a distance?—I would rather not give any opinion upon such a point, because I think that my opinion would not be worth much; it is not a matter upon which I am competent to speak from any special knowledge which I have, professionally or otherwise.

824. Mr. *Winn.*] You have said that the Act of 1866 might have been carried out, leaving all questions of litigation or otherwise unaffected by a scheme for inclosure?—Yes.

825. What do you mean by "otherwise"?—I mean questions of dispute which had not reached the stage of litigation. I believe that there is no common in the kingdom, which has not from almost all time been the subject of disputes as to the extent of the rights between the commoners, amongst themselves, and with the lords. My investigation upon these matters has shown me that there have been disputes from the very earliest periods. There always will be disputes going on, and the word "otherwise," meant disputes which had not reached the stage of litigation.

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826. You said that you thought that the inhabitants of a district might be empowered to make bye-laws for the regulation of these commons?—Certainly; the bye-laws are to be made under a special provision of the Act after the scheme; the bye-laws are to be made by the conservators in the first instance, and they are to be approved by a Secretary of State before they become law.

827. I think that you said that in those bye-laws you would include the drainage of the common, the planting of trees, and most things which tended to make the common more useful for the public?—Yes, those objects which were desired and rendered necessary by the circumstances of the case.

828. Might not the lord of the manor, and still more the commoners, object to it upon the ground that those were claims which never existed before?—The lord of the manor would always be consulted in these cases, and if there was any substantial objection on his part, it would, no doubt, be considered; but I will suppose that the lord did not object (and I can hardly imagine that he would object) to the planting of a few trees, which would become his property, or to the drainage which might improve the welfare of the neighbourhood. The operation is, that the lord of the manor would be consulted upon the scheme, and he would state his objections; and substantially, if his beneficial rights were at all affected, the scheme could not take place without his consent.

829. I understood you to say that you would admit the inhabitants adversely to the rights of the commoners, and of the lords?—I would admit the inhabitants not adversely, but certainly substantively, to propose a scheme, and to remove nuisances, whether the lord objected or not, seeing that his interest could not be prejudicially affected by the removal of the nuisances; when you come to an improvement it is a different thing; if any improvement substantially affected his rights, it could not take place without his consent; but if it did not affect his rights, it could not be objected to; I would require his consent to any substantial infraction of his rights; there might be a technical interference with his rights as regards drainage; you cannot open the soil without going upon the land of the lord of the manor, and it is a question for Parliament whether they would not give the power, under certain restrictions, to pursue that drainage if the health of the district required it, even against the consent of the lord of the manor; that is a very fair question for discussion, and it is one which would have to be considered on the carrying out of any scheme.

830. Would you give the power for this drainage without prejudice to the rights of the soil?—Yes.

831. You said that you thought that compensation should be given where any valuable rights were interfered with, but not where any speculative rights were interfered with; what did you particularly refer to?—I meant by the interference with a speculative right a mere interference with the soil by the opening of drains, without depriving the lord of any substantial rights. Although the opening of the soil might be construed to be an interference with the right of the lord, I think, that in the case of a real and necessary public advantage it might not be unreasonable to enact that that should be done without any compensation to the lord.

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832. Then in what cases would you give compensation?—I think that it would be safer to omit compensation altogether; but a case in which compensation might arise would be the case of gravel digging; I will illustrate that by the case of Blackheath; the Crown is the lord of the manor of Blackheath, and it was given in evidence before the Committee of 1865 that the Commissioners of Woods were in the habit of digging gravel; the people complained of the operation of that right as affecting the general comfort of the inhabitants and the enjoyment of the common; supposing that that right to dig gravel were found injuriously to interfere with the public, and with the inhabitants, and that an arrangement could be made with the lord of the manor to forego it, it would, of course, be reasonable that he should have compensation; there would be the deprivation of a substantial benefit; the Commissioners of Woods got 65 *l.* a year in the case of Blackheath. After the report of the Committee of 1865, the Crown gave up that right, and in the Act of 1866 there was an express power for the Crown to forego that right for the benefit of the public; that could not be expected to be done in the case of a private individual, and, therefore, in a case of that sort, if there was a restriction, it would only be fair that compensation should be awarded; but I take leave to observe upon that matter, that it might be settled by private arrangement without any provision in the Act, and I think that under this Act the principle of compensation has been open to a great deal of misconstruction, as extending to what it was not intended to extend to.

833. You do not think that the lord and the commoners would have any right to land which was intended to be inclosed; suppose a case in which you had given a large sum for the manorial rights, because of a proposed inclosure, you do not think that you would be entitled to any increased compensation on that account?—I should not be entitled to any compensation for any rights which were not taken away; the whole principle of this Bill is not to take away any rights.

834. If you admit the public over the common, you practically deny its use for certain purposes?—I do not admit the public at all. There are certain open spaces which, in fact, are used by the public, and which require protection.

835. Then you would not admit the public to any open spaces of which they had not hitherto made use?—Certainly not.

836. As to Epping Forest, you said that you thought that the whole of Epping Forest ought to be included within the limits of this Bill?—I hope that I did not use the word "ought"; but I was asked to make a suggestion, and I stated that as the greater portion of Epping Forest is already included, it would be convenient if you extended the limits so as to include the whole.

837. In the interest of the public, do you think that it is desirable that a hard line, say, of 25 miles, should be drawn around the metropolis, or that certain commons should be scheduled in the Act as commons, which should not be inclosed without a special Act of Parliament?—That is rather a question of policy, and practice; practically, I think, that you would find that it would be considered invidious to pick out particular commons, instead of making a general law for a district; and I think that Parliament has always defined a district, and made a general law within that district, rather than making a special law, applying to certain selected places; if I were proposing a measure to Parliament which I was interested in carrying I could forsee a far greater difficulty and objection in the one case than in the other.

838. Might there not be spaces beyond the 25-miles radius, which, in consequence of railway communication, would not be further practically for the public than many other spaces which would be geographically nearer?—Yes; but then the parties could go to Parliament. If the general policy is right to include a certain area within the law which you make, then the necessity for an exception must be proved to Parliament in the cases where a particular space is proposed to be taken out of that area, and the only objection to that course would be the expense.

839. Might there not be some spaces which would be so small that it would not be worth while to have a special act for them?—Yes.

840. And which it would be of no great importance for the public to use?—That would be entirely a question of opinion.

841. You stated that the commoners generally were opposed to the inclosure of open spaces; do you mean that to apply to the whole of the kingdom, or only to the next metropolitan district?—In all the great cases of contest with the lords of the manor who have endeavoured to inclose, the commoners, have in fact, practically fought the battle of keeping the commons open, and I had those cases in my mind when I answered that question, but I think that it would be hazardous in me to pronounce any opinion on behalf of the commoners generally.

842. Mr. *Knight.*] You are probably aware that the lord and the commoners, if combined, and claiming the fee, have a common law right of inclosing a common?—That is generally so considered.

843. Do you think that it would not be at all interfering with those rights, if the public were to expend a large sum of money on a scheme of this kind?—No; I think that the public do it entirely at their own risk; if you limit the scheme, as has been done in the case of Hayes, the public, in expending their money, do it at their own risk, and I do not think that they would ever get a sixpence back in case at any future time the common was inclosed.

844. Supposing that the lord and the commoners thought fit to apply for a private Bill to inclose the common after you had spent a large sum of money upon the scheme, do you think that they would have the same chance of getting an Act of Parliament, as they would have had originally?—I think that that must depend upon circumstances; I do not think that the persons who spent their money would have any right, upon that ground, to oppose the inclosure; upon other grounds they might urge general policy, but where there is a distinct clause that no rights are to be affected, I do not think that they could afterwards urge any expenditure upon such a plan as a ground for opposing the inclosure in any way.

845. You think that the Act of 1866 was an Act rather opposed to the principle of compensation; how do you account for clause 15, which gives compensation?—Clauses 15 and 16 were put in at a very late stage of the Bill, by a noble lord who opposed the Bill to a certain extent; they were put in for his protection, and were not in the Bill as originally drawn. Although I do not

not consider that those clauses in any way destroy the effect of the Act, yet I am quite of opinion that the presence of those clauses has created in the minds of many persons a misconception of the objects of the Act; I think that they are unfortunate clauses in the Act; I do not think that they are required for its operation, and I rather think that they tend to prejudice the view which might otherwise be taken by persons having to carry out the Act.

846. Even with the view of protecting the present rights of the owners of the commons?—That might have been done by putting in a short clause protecting any right. I should say that under no circumstances should any right be affected.

847. Then you would allow gravel pits to be dug, or minerals to be obtained?—It is not at all competent at the present moment for any person to dig gravel pits to the prejudice of the commoners; it is all a question of degree, how far gravel may lawfully be dug, but it must remain subject to the operation of the law as it is now. The lord of a manor cannot dig gravel pits to the detriment of the pasturage, but he might come to an agreement with the commoners, and the other manorial operations might be carried on; all that is now prescribed by the law, though there is no definite arrangement for carrying it out, and if the Inclosure Commissioners adjusted the matter, I think that it might be better carried out. But that is hardly within the purview of the scheme.

848. The Commissioners could hardly adjust these rights without making an allotment of land, could they?—I should not propose that; but in cases of difference, I think that it might be decided where a gravel pit should be dug, it being an acknowledged principle that it should be dug at a place where it occasioned the least injury to the pasturage. That is a point of some dispute under present circumstances, and the difficulty arises from the fact that in former times the lord and his court was the judge in those matters; whereas all that machinery is now done away with, and the dispute cannot be settled except by private arrangement.

849. Mr. *Cowper.*] My Bill was originally drawn in such a way that no rights should be taken away unless with consent?—Yes, no beneficial rights. It was always contemplated that there should be the power of drainage, but it was considered that drainage would not take away anything, but would rather add to the value of the land.

850. Was this proviso, by which rights of a beneficial character as to the common might be taken away, put in not by the promoters of the Bill, but by some persons who were afraid that it might act prejudicially to their interests?—Yes.

851. Do you think that the good working of the Act of Parliament would be rather promoted by providing that no person's right should be taken away, whether beneficial or otherwise, without his consent?—Yes, that is the result of my experience.

852. You have been asked whether the operation of this Metropolitan Commons Act, which gives the lords of the manor and the commoners the power of protecting the common under the care of the Inclosure Commissioners, does not deprive the lords of the manor of their property; will you inform the Committee what right of property this Metropolitan Commons Act takes away from any lord of the manor; does it deprive him of any right which he has over the common itself?—Certainly not.

853. Does it deprive him of any power which he might have of inclosing the common with the assent of the commoners by means of the common law?—Certainly not.

854. Does it deprive him of any opportunities and powers which he may have of inclosing the common by the customs of the manor?—No.

855. Does it deprive him of the power of applying to Parliament for a private Act?—Certainly not.

856. Does the matter merely consist in this, that he is deprived of the facilities which the Inclosure Act of 1845 gives to him?—That is so.

857. What is your opinion as to the principles of the Inclosure Act of 1845; does it appear to you that the intention of the Act was to increase the private property of any individuals, or was it for purposes relating to the public good?—The purposes seem to me to have been entirely directed to increasing the produce of the country, and to continuing the policy which was dictated by the Committee of 1800 regarding the increased production of the country by cultivation of the waste lands, and with a view to adopting a more convenient machinery, and saving the expense to various parties of separate applications to Parliament.

858. There were several Committees to which you can refer as preparing the way for the Inclosure Act of 1845; was there one in the last century?—A Committee sat in three sessions of Parliament, in the years 1795, 1797, and 1800, under the presidency of Sir John Sinclair, and the Reports are printed under the head of "Poor" in the Reports of the Committees of the House, and have been reprinted by order of the House. The Reports relate chiefly to the exportation of corn and grain, the employment of the labouring poor, and incidentally to the cultivation and improvement of waste lands; and the result of the consideration of the Committee is, that, with regard to the employment of labour, and with regard to the increase of the productiveness of the country, and to avoid scarcity, and so forth, a great portion of the waste lands might be advantageously cultivated. They instanced that out of the total extent of the whole country, which is something like 46,000,000 acres, there were 7,000,000 acres of waste land in England and Wales; and they instanced the inclosures which had taken place from the commencement, the first being in the reign of Queen Anne. In England and Wales there were uncultivated 7,888,777 acres, and there were cultivated 39,027,156 acres, the total being 46,915,933 acres. The Committee drew the conclusion that it would be very desirable to bring a great portion of that waste land into cultivation. They contemplated that at the close of the war there would be a great number of disbanded soldiers, and that it would give them a great field of labour, and increase the productiveness of the country, and render England less dependent upon foreign countries for the importation of grain. No one can read these reports without seeing that that was the chief thing in the minds of the Committee; they instance the expense of inclosures by private Acts.

859. You state that the object of the Committees which sat previously to the Inclosure Act was to increase the food of the people; do you

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you find anything in the Reports of those Committees, or in the preamble of the Act, to lead you to suppose that the main object, or any important object, was to increase the rights of property of private individuals?—Certainly not.

860. You have said that you find that by the 14th section of the Act of 1845, suburban commons, or commons in the neighbourhood of towns, are dealt with in a different manner from the rest of the country; are you of opinion that the advantages which were intended to be gained by the country at large, do or do not apply at the present moment to the inclosure of those commons which are contiguous to towns; do you think that those general advantages which were aimed at by the Inclosure Act, practically apply now to the inclosure of commons in the vicinity of towns?—I think that it is perfectly evident that the commons in the vicinity of towns are not available to the same extent for agricultural purposes, and that it would be almost impossible so to devote them.

861. Has your experience of the matter led you to suppose that the object sought for in the inclosure of commons in the vicinity of the metropolis, is for the purpose of building, and not for the purpose of tillage or pasture?—Certainly.

862. Consequently any public policy which might relate to agriculture would not apply to these spaces in the neighbourhood of London where no agriculture is in view?—Yes.

863. Will you state whether you consider, from looking back to the ancient history of England, that the private right which the lord of the manor has in a common, or in the waste of a manor, is exactly the same as the private right which he has over his own domain, which he may inclose against all comers?—I think that that is a difficult question; it is a legal question upon which a great many different opinions have been expressed. I think that, historically, it can hardly be doubted that the nature of the enjoyment of lands which were taken into a lord's domain was a very different one from the dominion which he exercised over the waste and uninclosed lands within his territory of the manor. We all know that in old times the business of the country was carried on by lords of the manors, with their courts, through the country; the lord of the manor was a kind of sovereign; in some cases he had the power of life and death; he, at all events, had a jurisdiction in all cases of crime in early times, and his courts were the courts to which all the persons in his district resorted for justice; he had, moreover, to lead them to battle in time of war, and he was answerable for the well-being, for his own sake, of the whole of the community; he was answerable to his sovereign for the due performance of the military and other services required of him; and he was dependent upon his tenants for their assistance in defending his rights. It was a matter of necessity at that time to have these commons and open spaces; and there is not a single manor in England without a common over which the tenants had their rights of pasturage or wood in early times. Then came the Statute of Merton, which said that in many cases these wastes were so large as to be beyond any purposes for which they could be used by the tenants; it gave the lord liberty to cultivate portions of the waste provided he left enough for the tenants of his manor; that Act was in the year 1235, and it was afterwards amended by the Statute of Westminster, in 1285. Then, in 1549, in the reign of Edward the Sixth, the Acts of Merton and Westminster were renewed, from which we may infer that they had been disused; when we get down to the present century we find that the rights of the lord to inclose under the Statutes of Merton and Westminster are practically at an end. We find that in the year 1795, when Sir John Sinclair's Committee sat, they said, "It is hardly necessary to remark how insufficient these statutes were, for bringing any considerable portion of waste lands into a state of cultivation. It was seldom that any common was sufficiently extensive, to afford a surplus of any moment, after the claims of those who had a right of common on it were satisfied. It was hardly possible, indeed, in many cases, to ascertain what was a sufficiency of pasture; and where a common of turbary or esteovers existed, the lord could not improve any part of that waste." The right of approval (as it is sometimes called) was considered to be at an end at that time; it had probably then been disused for a long time; and the fact of those statutes being practically defunct, gave rise to the present legislation, which has now lasted in an unbroken course from the year 1709 until the year 1801, when there was a General Consolidation Act, and until the Inclosure Act of 1845 was passed.

864. Then, originally, the lord of the manor stood in relation to the wastes of the manor in rather an administrative and judicial and representative character than as a private owner?—I consider so, as a matter of history.

865. And when subsequently it became necessary to alter the state of things which existed by the common law, the General Inclosure Act was passed for public objects?—According to the recitals in the Acts of Parliament and the reports of the Committees of the House I take it that it was so.

866. Do you think now that the objects of public policy, owing to the different circumstances, are on the other side of the question of inclosure, as regards the commons in the neighbourhood of the metropolis and of other towns?—I can hardly say that they are on the other side, because I find in 1845 distinct evidence that the policy of the Act of 1866 was recommended by Mr. Blamire, the Chief Inclosure Commissioner, as being thought necessary at that time. Mr. Blamire used almost the exact words which we have used; he said that a large open space of ground should be put into such a condition as would augment, and not diminish, the means of enjoyment in the neighbourhood, and he seems to have shadowed out the very policy which dictated the Act of 1866.

867. While a waste of a manor remains uninclosed, have the public at large the power of wandering over it, without being practically stopped?—That is a question of law; I do not know whether you ask that as a question of law, or as a question of fact.

868. I ask it as a question of fact?—As a question of fact we all know that there is no restriction to persons going over an uninclosed common.

869. From your legal knowledge and experience, is there practically any power of bringing any action against persons who wander over a common, in a case where there is no inclosure. Does the fact of the absence of an inclosure practically prevent the success of an action for trespass?—I do not believe that any such action would

would practically succeed at law, if defended; but if it did, I do not believe that any jury would give any damages beyond nominal damages. I differ with many persons who think that such an action might be maintained. I do not think that such an action could be legally maintained.

870. Have the courts of law come to any decision which would enable you to say whether the public have anything which could be called a right, with regard to wandering over an uninclosed waste of a manor?—There has been a sort of decision; but there have been no authoritative decisions which would enable one to give a short answer to such a question. I have my own view with regard to it; but perhaps it would not be well to trouble the Committee with all the legal bearings of that question. I think that there can be no doubt that politically and practically commons have always been considered to be open places, and persons have gone upon them.

871. Mr. *Knight.*] Are you speaking of commons near the metropolis, or not?—Yes, I think that commons which have never been subject to cultivation have been practically used. When I was a boy I always went over them when I had the chance, and I have never heard of any person being stopped. With lands which are inclosed or tilled it is a very different thing.

872. Are you aware that many commons are strictly preserved, and that the gamekeepers warn persons off them?—Yes, as to game, certainly.

873. Mr. *Cowper.*] Is it the case that the operation of the Metropolitan Commons Act upon lords and commoners is not so much to deprive them of any right of property as to deprive them of the privilege of having the machinery of the General Inclosure Act to give them the advantage of dividing their interest in inclosing the land?—That is so.

874. Although Hayes Common is the only common which has yet been brought under the operation of this Act, are there other commons within the metropolitan police district in which persons connected with them, or residing near them, will probably have to invoke the action of the Commissioners at some future time?—Certainly. I have had a good many communications on the subject. Before I was in my present office I heard of a great many cases, and I have no doubt that they are contemplated.

875. Therefore you would not think that we have any reason to suppose that in future years our commons within the metropolitan police district may not be brought within the operation of the Act in the same way as Hayes Common has been?—I have no doubt that when the operation of the Act comes to be better understood, and when the fears which have been entertained (as I cannot help thinking), even by many honourable Members of this Committee, have been dissipated, which have no foundation whatever, that Act will be very extensively applied. I think that it is a most valuable provision.

876. Do you attach great importance to that portion of the Act which enables the inhabitants of a place to contribute money, which would preserve the surface from injury, and would enable them to provide the means of enforcing bye-laws and regulations for going on the common?—Certainly; I think it a very wholesome thing. If a man has provided money for a certain object he will take care to see that the object is carried out; and I do not think that the expense would be very heavy. I think that the knowledge that an authority existed, and that a person in authority was walking about a common, would, in most cases, be quite sufficient to prevent irregularities, nuisances, and disturbance. Of course drainage might be an expensive thing, it would be a luxury, and planting would also be a luxury.

877. Therefore you say that the means used to preserve a space for those persons who wished to take recreation upon the common, would also be beneficial to any commoners, or any lord of the manor, who were to exercise their common rights?—Yes.

878. Mr. *Knatchbull-Hugessen.*] In the case of a wet and unhealthy common near a town, if parties went to the expense of a scheme, would they not be sure to drain it, and to make it healthy, but if the advantages which are held out by this Bill to persons having rights in such commons, were not such as to induce them to promote a scheme, would not the result of the exclusion of such a common from the General Inclosure Act be, to leave it in its present unhealthy state?—Not necessarily; it would entail a greater expense on the parties who promoted the inclosure, because they would then have to go to Parliament for a separate Act, instead of applying to the Inclosure Commissioners.

879. Are you aware how many private Acts have been applied for since the passing of the Act of 1845?—I should doubt whether there had been any; there certainly have not been many.

880. Was not the object of that Act to prevent the expense of private Acts?—Yes, one object.

881. Are you quite sure that you can apply now for private Acts?—Certainly.

882. I understood you to say that, judging from the history of England, the rights of the lord of a manor over the waste land were formerly mainly of an administrative character?—Yes; he, in olden times, took no benefit from it himself; he had his own domain and park; he always had the right of soil, but the rights of common were in the commoners. The best illustration of that being so is, perhaps, the practice of the Inclosure Commissioners, which ought not to be confounded with law. The practice of the Inclosure Commissioners, according to a rough estimate of the rights, has always been to give the commoners about 15-16ths of the common, or something of that sort, reserving the 1-16th to the lord for his seigniorial rights.

883. That is as between the lords and the commoners, and it has nothing to do with the general public?—Just so.

884. As to the history of England, will you refer me to any decision of a superior court of law which maintains the interpretation that the rights of the lord are merely of an administrative character?—The word "administrative" must be understood in the sense in which I have explained it, and further than that, it is of very litte value. Honourable members understand that subject, and they study the history of England as well as I do, but I ventured to express the opinion that the lord himself did not exercise any beneficial use of the common as a general rule, except in the matter of game, or in the matter of trees, but that the use was generally by the commoners.

885. In fact, your opinion as to the rights of the lord has been gathered from a general idea of English history, and not from any study of the decisions

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cisions of courts of law upon the subject?—Just so.

886. Mr. *Cowper.*] Was not the period of which you are speaking, antecedent to the decisions of the courts of law, with regard to which the honourable Member has been asking you?—I began by referring to a period prior to the Statute of Merton.

887. Mr. *Bonham-Carter.*] Mr. Cowper asked you whether the public had not the power of going over these open spaces; did I rightly understand you to say in your answer that they physically had the power, or that they legally had the power?—I answered that they had the physical power. I declined to answer any other question.

888. *Chairman.*] You mean that they practically had the power?—Yes.

889. Mr. *Bonham-Carter.*] Are you not aware that it has been held that a commoner has no right to go upon a common, except for the purposes of commonage, and that if he has a right of pasture, that is only a right to turn out his cattle, or only to see that there is pasture at the time of turning out, and that it would be trespass if he went upon the common for any other purpose?—I certainly dispute that as a proposition of law. I should not like to answer that question without going into the whole law upon the subject, and I am afraid that it would be too long a chapter for the Committee to hear.

890. We will take a case where the right of sporting is clearly preserved; I will suppose that I give notice to a person who is not detected in a breach of the actual law, that he shall not trespass upon that common; is it not the practice that I can prosecute that man for trespass, and that it is constantly done in the county court after notice?—Do you mean for going upon the common at all?

891. Yes?—I have not heard of such a case.

892. The Act of Parliament requires the consent of two-thirds of the parties before it admits the lord and the commoners to participate in the benefit of the Act of 1845?—Yes.

893. Do you not think that there are many cases in which it is not desirable that so large a majority should control the minority in matters of property?—I have never thought it at all within my province to question the general policy of the Inclosure Act.

894. In many cases the common is held only between the lord and the commoners?—That is a difficult question.

895. Are there not cases of Shack lands in which the right of property in the common is only between the lords and the commoners, as to the Shack common rights?—I think that that is very likely.

896. That being a property, do you not think that it is very desirable that a very small minority of the owners of such property, who are as it were joint owners, should not control the majority, and certainly not so large a majority as two-thirds, in their realising that which is vested in them as joint owners?—I am quite unable usefully to give an opinion upon such a point.

897. Mr. *Johnston.*] Has not a perusal of the court rolls led you to come to the opinion which you have come to, as to the rights of the lord of the manor being of an administrative character originally?—Yes, in many cases.

898. Mr. *Reed.*] You have quoted the report of Sir John Sinclair's Committee; what proportion of land has been inclosed since that date?—I have no record of inclosures between 1801 and 1845; since 1845 there have been 614,804 acres inclosed. I cannot find the particulars as to the gap which exists between 1800 and 1845, though I have been looking for them. Up to 1800, 2,837,873 acres were inclosed under private Acts, and from that time to 1845, there were, I believe, about 2,000 Acts passed, but I cannot find the acreage.

899. *Chairman.*] Probably fully three-fourths of that uninclosed land have been inclosed since?—I should not think so much.

900. Mr. *Winn.*] You said, as I understood you, that it was the practice of the Inclosure Commissioners to allot 15-16ths to the commoners, and about 1-16th to the lord of the manor?—Yes.

901. Do you not know that that 1-16th is only for his right in the soil?—Yes, for his right in the soil, or his seigniorial rights, or whatever you may call them.

902. What will his seigniorial rights be; is it not simply for his rights in the soil?—As owner of the soil and everything else to which he is entitled.

Monday, 12*th July* 1869.

MEMBERS PRESENT:

Colonel Barttelot.	Mr. Andrew Johnston.
Mr. Bonham-Carter.	Mr. Charles Reed.
Mr. William Cowper.	Sir Henry Selwin-Ibbetson.
Lord George Hamilton.	Mr. Frederick Stanley.
Mr. Knatchbull-Hugessen.	Mr. Rowland Winn.

EDWARD H. KNATCHBULL-HUGESSEN, Esq., IN THE CHAIR.

Mr. ROBERT CECIL AUSTIN, called in; and Examined.

Mr. *R. C. Austin.*

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903. *Chairman.*] You wish to give evidence respecting a common which is within the metropolitan area?—Yes.

904. What common is it?—It is called Fairmile Common; it is in the parish of Cobham, next Claremont, which has been lately given to Her Majesty.

905. Is it a common which is under the provisions of the Act which we are now considering, or is it a common which would be brought under these provisions by an extension of the Act?—It is one which would be brought into it under the extension of the Act; that is my object in giving evidence to-day. The Bill of Mr. Chambers, the Common Serjeant, would include Fairmile.

906. Do you attend here by the wish of any body of persons, or simply as giving your own opinion?—I attend as giving my own opinion as regards the common itself, which is attempted to be inclosed; and I moreover speak in behalf of my richer neighbours around. I speak in behalf of gentlemen of very large property around the neighbourhood. I may say that I represent them.

907. Then you are not here to-day as an advocate of the poor resisting an inclosure, but you are here as an advocate of rich gentlemen?—Hardly that, because I think that I should explain that I only advocate the interests of the poor which are attempted to be destroyed. The land consisted of about 1,300 acres originally, but an Act of Parliment was passed in 1793.

908. Where is the common?—It is situated about 16 miles from London; it is in the parish of Cobham, and near to Esher; it is three miles from Esher Railway Station. By an Act of Parliament which was passed in 1793, an inclosure was made of 1,000 acres of land, but from what I can gather 303 acres were then left out, for the purpose described by the Act of Parliament. It was left to a certain number of poor persons for the purposes of pasturage, cutting turf and heath for fuel; but I shall place the Act of Parliament before the Committee, which will describe it in its own language. The inclosure of 1,000 acres was made, leaving out the 303 acres. I believe that there were as many as 132 cottagers who would benefit by the 303 acres being left out. The persons to benefit must be so poor that they must really be occupiers of cottages not exceeding 6*l.* and 10*l.* in annual value; and I wish to observe here that the owners of the cottages had no rights whatever, but that the rights vested in the occupiers.

909. Is that under the Act of Parliament?—This is under the Act of Parliament, which I shall presently place before the Committee. As time went on, these cottages came into the possession, as they now are, of many persons of large wealth. I may mention that the Countess of Ellesmere holds two of these rights, and that Lady Moore holds one or more. I have the names of the owners of rights. The rights are now in the hands, as I maintain, of an entirely different class of persons from those to whom they were left for the purpose of benefiting.

910. Will you be kind enough to state what these rights were which were left to these 132 persons?—The tenants of the cottages have the sole right of pasturage, and cutting turf and heather for fuel.

911. Over the whole of the 303 acres?—Over the 300 acres, the odd three acres being left out for digging gravel for the repair of the roads.

912. Then, as I understand you, that which was reserved in 1793 for poor persons, has somehow or other come into the possession of a rich class of persons?—I think so, and I shall be able to prove that to the Committee.

913. Do you mean to say that those houses which formerly were only worth 6*l.*, 8*l.*, or 10*l.* a year, have risen so much in value that they are inhabited by a different class of persons?—No; many have been pulled down altogether, and do not exist at all; but the rights over the common exist, and I may say that the largest farmer is Mr. Thomas Bennett, who possesses, I believe, as many as 12 of these rights. The rights were originally allotted to the tenants of the cottages of a value of not more than 6*l.* or 10*l.* a year. Perhaps it would assist the Committee if the Act of Parliament itself were read; I have got a copy of the Act, the date of it is 1793.

914. Is it only with regard to these 300 acres that you are now giving evidence?—Yes; the other portion has been inclosed.

915. This Act, which appears to be an ordinary private Act for the inclosure of the common, sets forth in this clause, "And be it further enacted, that the said Commissioners, or any two of them, shall, and they are hereby required, after setting out roads and ways, bridges and drains, and ground for gravel pits as aforesaid, to set out and allot 150 acres of Fairmile, 70 acres of Chatley Heath,

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Heath, being the least valuable part for cultivation of the said commons or waste lands, 20 acres of Poynter's Green and Downside Common, 20 acres of Little Heath, 20 acres of Old Common, and 20 acres of the Tilt, Leigh Hill, and Brook Hill, making in the whole 300 acres, in as many different allotments as to the said Commissioners shall appear expedient, and which allotments shall include the private roads necessary to be left for access to the different cottages and houses situated on such commons or waste lands, for the use of the occupiers of houses or cottages now standing and being within the said manor and parish, without more than one rood of land belonging to and used with the same as garden or orchard ground within the said manor, the yearly rent of which, at the time of passing this Act, shall not exceed 6 *l.*; and for the use of the occupiers of houses or cottages and gardens, orchards or land together, within the said manor, the yearly rent of which, at the time of passing this Act, shall not exceed 10 *l.*; and the occupiers of such houses or cottages and tenements for the time being, shall at all times afterwards have the sole and exclusive right of using the said parts of the said commons or heaths so to be set out and allotted for the purpose of pasture, and of cutting turf and heath for fuel in equal proportions, according to the number of the said houses and cottages without paying anything for such use; and the said Commissioners, or any two of them, are hereby required to set forth and describe all such cottages or houses with their respective rents, in the award to be made by them as hereinafter directed; and in case any other person or persons not holding cottages, houses, and tenements of such yearly value and descriptions as hereinbefore mentioned, shall at any time or times turn out sheep or cattle of any sort, or cut any heath or turf on the said commons or heaths so to be set out and allotted as next before mentioned, every such person so offending, being thereof convicted before one justice of the peace for the said county of Surrey, upon information thereof upon oath before any such justice, shall forfeit and pay for each such offence the sum of 40 *s.*;" and then there is a distribution of the penalty, half to the informer, and half to the poor; according to this enactment these 300 acres were to be for the use of the occupiers of lands and buildings of a certain value?—Yes.

916. What has become of the land in cases where the houses and cottages have ceased, and the occupation has also ceased?—The land is now in the possession of about 43 persons; of these 43 persons the chief is Mr. Charles Combe.

917. Is it held that those allotments cannot be parted with?—It has never been so held yet.

918. But has that practically been the case?—Practically, the cottages which these rights represented, fall into the hands of such persons as Mr. Charles Combe and Lady Ellesmere and Lady Moore; the two ladies have signed a petition against this attempt to inclose the common. Some of these 43 persons are now attempting, by means of law, having applied for a mandamus, to compel the lord of the manor to show cause why he refuses to give his sanction to the inclosure of this common, which he has always resisted.

919. Who is the lord of the manor?—The Rev. Mr. Mount; he has always resisted the inclosure, and a mandamus has been applied for, which is to be argued next term, for him to show cause, with the Inclosure Commissioners, why these 303 acres should not be inclosed,

920. Who is promoting the inclosure?—It has been promoted by Mr. Charles Combe and by Mr. Worsfold, and by persons who possess these rights, into whose hands these poor cottages have fallen as their property.

921. I understood you to say that you represented some of those persons who are opposed to the inclosure?—All the persons whom I represent are opposed to the inclosure.

922. But some of them have these rights?—Yes; the Countess of Ellesmere has these rights, but she is opposed to the inclosure, and so is Lady Moore.

923. Then among those persons who claim to have these rights, there is a difference of opinion as regards the inclosure?—Certainly.

924. What is the number of persons who have these rights?—About 43.

925. Then is the state of the case this, that those of the commoners who wish it are going for some power at law to compel the inclosure?—Yes.

926. Are you aware of any case in which such a proceeding has been taken before?—I speak as a barrister professionally, and in my opinion such a step is unprecedented.

927. Is it not the case that under the General Inclosure Act the lord of the manor has a positive veto upon an inclosure?—I have always understood so; but that is a case which has to be argued.

928. Were the rights of the lord of the manor supposed to be ousted by the Act of 1793, and was his claim compensated for then?—No; he, I believe, maintains that he has still an interest under this Inclosure Act; and that will be one of the questions before the Court of Queen's Bench next term.

929. There will be a question whether, in fact, the Act of 1793 did or not take the lord of the manor out of his position as lord of the manor with regard to the 300 acres?—That, I imagine, will be one of the questions submitted to the Court.

930. Then, in fact, in this case, instead of, as has been represented to us as sometimes the case, a lord of the manor rather promoting an inclosure against the interests of the poor, a lord of the manor is opposing an inclosure against the interests of the poor?—Yes; it is, I think, the first case of the kind on record.

931. Will you proceed with your statement?—I should maintain that, when the common is inclosed, the very persons for whom the 303 acres were left out, in order that they might be benefited, would be most seriously damaged. But, on another bearing of the question, all those persons who have built their houses overlooking Fairmile Common, such as Mr. Poulett Scrope, who is my next neighbour, and who for a great many years was a Member of this House, and Mr. Price, a gentleman within a very little distance from my own house, and who posseases large property, and many other similar persons, all around this common would be seriously damaged by its falling into the hands very likely of persons who would use it for great public buildings, or cottages, or some other nuisances, and we cannot tell what might occur by the proposed inclosure.

932. Do you know what proportion of the 43 persons are opposing the inclosure?—I am only able

able to say that all the persons who now possess the rights would so greatly benefit by the realisation of this land, that with the exception of the Countess of Ellesmere and Lady Moore, I do not think that there would be many others that I am aware of objecting to the inclosure. I am not aware personally of any others who are against the inclosure who themselves possess rights.

933. That being your view, and you being opposed to the inclosure, you are here to advocate the extension of this Bill to a radius which would include this common, and would prevent its being inclosed?—Yes.

934. Have you general evidence to give upon the matter?—No, except that I am speaking generally on behalf of all those around me, and I believe that Parliament will be petitioned, and in fact a petition is in the course of signature, so as to facilitate the Bill of Mr. Chambers the Common Serjeant, as we should be within the limit of 25 miles.

935. What is the character of this common?—It is at present a wild country of heather and gorse; it is of no value for agricultural purposes, but only for the purposes which the Act of Parliament stated, namely, for the purposes of fuel, &c.

936. Has any of it ever been used for garden ground?—No. I believe that there would be no power for the poor to use it beyond what the Act of Parliament specifies.

937. Has it been used to any great extent for the purpose of pasture?—I believe that many of the poor occasionally turn out their cows.

938. For nothing?—Yes, and they cut their fuel for nothing.

939. Are there many poor in the neighbourhood still left?—I ought to have mentioned that the 303 acres are not all together in the parish. I can give the Committee the proportions; they are in the Act; 150 acres at Fairmile, 70 acres at Chatley Heath, &c. I can say that poor people use the common at Fairmile.

940. But where there are poor, they would feel the proceeding to be a hardship?—I do not see that they would be at all benefited by the inclosure.

941. Have they now rights of which they would be deprived by the inclosure?—Yes; it is the occupiers, and not the owners who now possess the rights.

942. Are people in the habit of walking over this common; is it much used as a place of resort?—It is one of the most beautiful spots near London, and is much frequented; it is a nice walk from Esher of about a mile and a half, or two miles.

943. What is the population of Esher?—I cannot say.

944. Are there any other commons round Esher which are uninclosed?—I know that there is one where the rifle corps have their butt; but I do not know why it was not inclosed, or any circumstances connected with that common.

945. Nor, perhaps, do you know its size?—Nor do I know its size.

946. What is the distance from London; how would you get to this common from London?—Fairmile Common is 16 miles from Hyde Park Corner by road; but as the crow flies it would be within a distance of 15 miles. It is a question to be argued at law whether we are not even now within the radius as to some part of the common.

947. Have you anything further to state in order to elucidate your case?—No; I shall be very happy to answer any questions which may be put by Members of the Committee.

948. Sir *Henry Selwin-Ibbetson.*] You stated that you appeared for a number of people who were going to petition in favour of this Bill of Mr. Chambers?—Yes.

949. Are any of those people among the 43 owners of rights on the common?—Yes; they have taken this step, namely, to petition the Inclosure Commissioners against proceeding to inclose this common, and showing them the statement which I have endeavoured imperfectly to make to the Committee; the effect of that is embodied in a petition to the Inclosure Commissioners, which bears the signatures of all my neighbours of whom I speak.

950. Among those neighbours and those people who intend to petition, and have petitioned, are there any of the 43 owners of rights of common, or are they simply persons residing in the neighbourhood?—They are chiefly persons residing in the neighbourhood, but the Countess of Ellesmere and Lady Moore have rights on the common.

951. In answer to another question, you said that these 300 acres were land which could not be applied with advantage to agricultural purposes?—Yes.

952. A part of this same common has already been inclosed to the extent of nearly 1,000 acres?—Yes.

953. Is it profitably cultivated?—I bought two acres with my house about 10 years ago. The land is very poor, and chiefly consists of sand.

954. In fact this land was reserved as being the least valuable part of the common?—Yes, and as I imagine, being too valueless to be inclosed, and therefore it was given over to these poor people.

955. Mr. *Bonham-Carter.*] Am I to understand you that this common is outside the area which is comprised within the operation of the Metropolitan Commons Act?—We understand that it is outside the area of the operation of the Metropolitan Commons Act.

956. What steps have been taken before the Inclosure Commissioners?—A petition is going to be presented to the Inclosure Commissioners to prevent the inclosure, and if I have it here I will put it before the Committee.

957. You do not quite apprehend my question. What steps have been taken under the Act of 1845 to bring the subject of this inclosure before the Commissioners?—I cannot say whether any steps have been taken to bring it before the Inclosure Commissionors until recently.

958. You are aware that the proceedings before the Inclosure Commissioners of 1845 commence with a representation to the Commissioners of the desirability of the inclosure, by at all events one-third of the ostensible rights?—Yes; I have no doubt that that is properly done, but I was always kept in the dark as respected any steps which the parties took with regard to inclosure, because my house abuts upon two sides of the common, and naturally any steps which they would take so as to put the Inclosure Commissioners into action, with a view to inclose that common, would be kept most secret from me.

959 Are you not aware that part of the proceeding of the Inclosure Commissioners is affixing

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a notice to the church doors?—I have not seen that notice, but I have no doubt that you will find from the examination on the other side, whether that requirement was complied with or not. I do not mean to say that it was not done.

960. You reside there, and I understand from you, that a very considerable amount of interest is excited on the part of people who do not desire the inclosure to be carried out?—Yes.

961. You, being so much interested in the matter, would you not have known whether the first step in an application to the Commissioners, namely, a public notice being affixed to the church door, had been fulfilled or not?—I have never myself heard that point noticed, or talked of. If I had known that you wished for that evidence I should have come prepared with it.

962. Mr. *Johnston.*] I imagine this to be a somewhat parallel case to the inclosure at Walton and Weybridge, which has been already before the Committee; have you studied that case at all?—No; Wisley would be in the same category; it is all within the same district within a few miles.

963. It is part of an old inclosure, of which a certain portion was set apart for the use of the poor?—Yes; 303 acres were left out of the 1,300, the other portion being inclosed.

964. Are you aware that a similar reserve for the poor was made in the case of theWalton and Weybridge Inclosure?—No.

965. Do you know the open pieces of ground near Weybridge Station, and also near Walton Station?—Yes, from going down the line.

966. Are you not aware that in those cases they are vested in trustees for the poor?—I am not.

967. Are there no such trustees in this case?—I am not able to answer that question; I should think not.

968. You say that many of the cottages to which the rights were assigned have been pulled down; I presume that there is still a poor population whom you would consider the equitable successors of those persons to whom those rights were assigned?—I quite concur in that. What I maintained was, that they were not in the hands of those persons; and that instead of being in the hands of the tenants of these cottages of 6*l.* or 10*l.*, they are now in the hands of an entirely different class of persons, numbering about 43; and the persons are now wishing to inclose, because the land has become more valuable; the land near me is worth about 500*l.* an acre. Mr. Powlett Scrope, I believe, bought some lately at 500*l.* an acre, adjoining his residence.

969. I believe that these 132 cottagers to whom these rights were originally assigned, really represented all the poor inhabitants of Fairmile?—The Act is dated in 1793; and I could not state, even by imagination, what Cobham was then.

970. Do you not imagine that the intention of Parliament in passing that Act was to reserve those rights in perpetuity for the use, under certain restrictions, of the poor of that manor?—Undoubtedly; and for the poor only. That is, in one word, why I am here before the Committee to-day.

971. With regard to the position of the common, do not you know of any iron posts in that neighbourhood which define the limit of the metropolitan police district?—No, I am afraid not; I have never seen one myself. There are, of course, the mile-stones along the road; it is the high road to Portsmouth.

972. Has not a branch railroad to Cobham been talked of for many years, and, in your opinion, will it not sooner or later be made?—There was a meeting once held, and on behalf of gentlemen opposed to the railway I attended the meeting, and opposed the bringing of a railway there to the utmost of my ability; and that opposition appears to have been successful, as I have heard no further talk of bringing a railroad there.

973. Mr. *Reed.*] Has not land been inclosed under the Act of 1793?—Yes; 1,000 acres were inclosed, and it is to protect the 303 acres that I am here to give evidence to-day.

974. Do you consider that land to be within the jurisdiction of the Inclosure Commissioners?—I do not think that the Inclosure Commissioners could now inclose this land without a special Act of Parliament. In saying that, I speak as a lawyer.

975. Colonel *Barttelot.*] In what position are these 43 persons who now claim the rights?—I shall be very happy to answer the question, and to go through the list, which I have here. The number of owners of the cottages having rights, is about 43 persons, who are chiefly farmers to small holders.

976. When the 132 poor people who were originally to be benefited received their rights, I suppose that they were each living in a different cottage?—I think that that must be so by the Act which the Chairman has read.

977. It was the occupancy of a cottage which gave the rights?—Yes, solely.

978. Do you suppose that at that time these poor people owned those cottages?—No; clearly none of them did so, but it was the right of the occupier, and the Act distinctly shows that it could never have been the possessors who were intended, because the words "tenant" or "occupier" is put in.

979. Have a great number of these cottages been pulled down?—I have a letter from the largest and the richest person about there on the subject.

980. Is it within your knowledge that there are 132 cottages there now, or not?—No, some are pulled down.

981. Then of course the rights of the cottages which have been pulled down have lapsed?—No, they have not lapsed; they have come into the possession of wealthy persons. I can give you the class of persons.

982. There must have been some particular description in that Act of Parliament which gave the right to certain people?—Yes.

983. Do these cottages still exercise that right, or not?—If they are pulled down, I maintain that the whole Act of Parliament and its designs are frustrated.

984. You have stated that, originally, these cottages did not belong to the poor people?—It would be impossible to say whether any of them were the possessors of their own houses, as well as being the occupiers of them, or not. The Act of Parliament, which has been read by the Chairman, would seem rather to show that they were only the poorest of the poor, paying a rent of 6*l.* or 10*l.* Further than that, rights were given of fuel and feeding over the common, and rights which were intended, not for the enjoyment of any rich gentlemen, but for the poor.

985. It must have been one of two classes of rights,

rights, either that the person owning the house could put in a tenant who could exercise the right, or it must have been for a certain number of poor people living in the district. As far as I understand, it is only for the people living in those cottages, according to your showing?—It is not my showing, but it is the Act of Parliament which shows the class of persons exercising those rights; it speaks of the rental as authorising a particular class of persons, and it shows the object of the rights.

986. Of course, if the number of these houses have decreased, and if the rights have passed into fewer hands, those people who now own the rights have the right, have they not; is it not in their hands?—I do not think so at all; I cannot see that; that is not the inference which I should wish the Committee for one moment to deduce from my evidence.

987. Somebody must have the rights?—Yes.

988. And you have shown us that these rights have diminished in number from 132 to 43?—Forty-three has been mentioned, as possessing the cottages with the rights. I say that the persons who now possess these rights do not at all represent the class for whom Parliament intended to legislate, and did legislate, for their benefit.

989. Do these people exercise the rights themselves, that is to say, does Mr. Combe himself turn out any animals upon this common, or do the poor people, who are tenants under him, turn out any animals upon the common?—Mr. Combe would have no right to turn out any animals upon the common; the tenants of the cottages only have the right; but Mr. Combe could not turn out any animal unless he occupied one of these cottages.

990. Then it amounts to this, that the poor in that neighbourhood have diminished, from 132 occupiers of houses, to 43, who now beneficially exercise the rights under the Act of 1793?—The poor people occupying these cottages must be less in number than they were, because some of the cottages have been pulled down; but the Committee can have the exact evidence as to the number pulled down, and the exact number of cottages now occupied.

991. Mr. *Winn.*] I understand you to mean that there may be now more than 43 cottagers occupying at a less rent than 6*l.*, and that you consider that this common ought to belong to them?—Yes; that it is the poor who have the right, and they only.

992. And that this right does not attach to particular cottages unless they are below 6*l.* rental?—£. 6 and 10*l.*

993. Therefore, if you had a cottage which, some years ago, was rented at 5*l.*, it, as I understand you, would have a right on this common?—Yes.

994. But if you increased the rent above 10*l.*, it would not be so?—I should say that, if the rent was over 6*l.* or 10*l.*, the party would lose that right.

995. Mr. *Bonham-Carter.*] The Act specifically says that it is 6*l.* at the time of the passing of the Act?—Yes.

996. Mr. *Winn.*] Then, according to that, if the rent was afterwards increased, the right would still belong to that particular house?—Yes. If you look at a cottage now of 6*l.* or 10*l.* annual value, you would certainly be asked, at the least, 100*l.* in addition for this right on the common since attempts have been made to inclose it.

997. If one of these cottages was pulled down, do you contend that the right to occupy the common would cease?—Yes, as far as the cottage was concerned, and then it would be doubtful whether the right would lapse into the hands of the landowner. I submit that, by the attempted inclosure, and allowing that to be done, the Act of Parliament is frustrated, it never having intended that that right should lapse to the landowner. The intention was to keep these 303 acres for the poor and their successors; in fact, I maintain that, without a special Act of Parliament, it would be an absolute robbery of the poor to inclose that common, and I am sure that it is a step which should never be taken until Parliament says that it is lawful and just.

998. To what extent have the public used this common?—By walking over it. It is one of the most picturesque places in Surrey.

999. Do the poor use it, or is it the better class of people who use it?—There are certain paths across it for the poor to use in going to their work; there are footpaths and rights of way.

1000. Have the London poor used it at all?—I should think not, to any extent, because of the distance from London. It is 16 miles from London. We want to bring it within Mr. Chambers' Bill.

1001. *Chairman.*] Has your attention been called to a clause in the Act of 1793, which states that the allotment given to the lord shall be "in lieu of all claims, right, title, or interest of the said Thomas Page as lord of the said manor of Cobham, and of his heirs or assigns, of, in, or to the soil of the said commons, heaths, and marsh and waste lands;" and has your attention been called to a subsequent clause which saves all the other rights of the lord?—No; I must confess that I have not looked into the law, nor have I read it.

1002. If all the other rights of the lord are saved in a subsequent clause, it is very possible that the lord may consider his right of veto as one of those rights and privileges?—Yes, I believe that the lord of the manor still considers that his interest has not been paid out, and that is another reason why he has refused to inclose.

1003. Mr. *Bonham-Carter.*] Supposing that this were a common which could be inclosed under the Act of 1845, would not the rights of way which you have mentioned as being valuable, and which ought to be saved, be saved under the practice of that Act?—The right of way, I think, would be protected, because I have been engaged as counsel in a case in which an attempt has been made to inclose a portion of a common at Chobham; in that case there was a right of way, and then it was a question of law as to whether a certain grant of land having been made, and cottages having been placed upon it, the cottages had been legally placed there or not; and, subject to an application for a new trial, the right of way has been established.

1004. You have mentioned that one of the objects which those persons who did not desire inclosure had in view, was the saving of right of way?—No, I think that you must have misunderstood me there. The rights of the poor in that respect across the common are a bagatelle. I was only saying that the common could be used

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by them for walking, in getting to their homes or returning from their work, and for recreation.

1005. Have you been giving your advice professionally in this matter?—No.

1006. It has been as *amicus curiæ*?—Yes; I have only done so as a matter of neighbourly feeling.

1007. Being a barrister, have you at all advised your neighbours as to the person or corporation in whom the fee is vested?—No; that question will come out in the law courts. I, being a professional man, they have naturally placed sufficient confidence in me to speak to me, and ask an opinion.

1008. Have you an opinion as to the party in whom the fee is vested?—I have not at present.

1009. You have not given any opinion upon that point?—No, I have never been called upon to do so. I think that the Act of Parliament will explain the difference between 6 *l.* and 10 *l.* I can give evidence as to the feeling which exists at Chobham, which is a few miles distant, and which would be within Mr. Chambers' Bill, namely, 25 miles; there is a very strong feeling in favour of keeping that common open.

1010. *Chairman.*] Do you represent any persons in that neighbourhood?—No; but having been concerned as counsel, I know the strong feeling which exists in that neighbourhood.

1011. Mr. *Cowper.*] Is it in contemplation to make an inclosure of Chobham?—I think not; but the case has arisen in this way: the lord of the manor, with the consent of the homage, has been making a certain grant, say of two acres of land, and I have got some idea of the feeling of the people from being engaged as counsel, not exactly to oppose the grant, but to maintain that there was a right of way across a certain proportion of these two acres of land which were inclosed; and, so far as the judgment of the court goes, I succeeded in establishing that there was a right of way, and, therefore, the law has been placed in force, and those cottages may have to come down.

1012. Was there any opposition made to the right claimed by the lord of the manor with the homage to inclose?—It is a question which is still to be disputed, and a new trial is to be asked for, on the ground that the proceedings of the lord of the manor, with the consent of the homage, and without a special Act, is not sufficient.

1013. The intervention of the Inclosure Commissioners has not been called for in the case of Chobham?—I think not.

Mr. James Bell, called in; and Examined.

Mr. *J. Bell.*

1014. *Chairman.*] Have you a statement to make with regard to the inclosure of Cobham Commons?—Yes; about six years ago I presented a memorial to the Inclosure Commissioners, of which this is a copy (*producing the same*), as required by the Inclosure Act of 1845.

1015. That was the first step towards the inclosure of the commons?—Yes.

1016. This memorial is signed by persons having 96 shares or rights on the commons?—Yes, out of 132; and since that time nearly 20 more have come in.

1017. So that as far as this memorial represents certain rights upon the commons, a large majority desire the inclosure?—Yes, a very large majority; only three people, I believe, oppose it, namely, the Countess of Ellesmere, her tenant, and Lady Moore, and the lord of the manor opposes it.

1018. What is the extent of the rights of the lord of the manor?—Fourteen cottages belong to him, having rights attached, but we say that he has no rights beyond what he has by virtue of these cottages. I will put in the award. We call them all Cobham Commons, but Fairmile is one of them.

1019. I see that in this statement you say that the common is about 19 miles from London?—It is 20 miles from London Bridge to Cobham; that is the known distance.

1020. Is the land now made use of in any way?—It is now utterly useless, except a small common of about 20 acres, which is a recreation ground, and which we should not wish in any way to disturb; the other is up to the knees in gorse and ling; and if there were 132 cottages there, with cottagers to occupy them, they could not make any use of these commons at all.

1021. Could not they clear away the ling and heather?—They could clear it away, but it would grow again. There is a dispute amongst the parties. So large a proportion want the land to be inclosed, that if the other portion wanted to make any use of this land, I expect that they would try to prevent it.

1022. That is with respect to those persons who have rights of common?—Yes.

1023. Is there a large population there of those who have not rights of common?—I should think that the population, except as to the gentry, is about the same now as it was at the time of the passing of the Inclosure Act. There are a great number of gentry who have built houses adjoining this common, and the whole opposition which I have ever heard of, proceeds from them.

1024. Are there any labouring poor in the neighbourhood of the common?—There are the average number of labouring poor, but not above the average.

1025. Are the labouring poor in the habit of walking much over the common?—I have ridden over that common for nearly 20 years continually, and I have never seen anyone on the common, except a gentleman riding across or hunting; there are only a few tracks across the common; I have ridden across this common, and I have shot across it.

1026. I suppose that one of the objects of inclosing this common would be to build upon it?—A part of it is very valuable building land, and which is sold at the rate of 500 *l.* an acre.

1027. Therefore, it would be a very great advantage to those who have rights of common that it should be inclosed?—Yes.

1028. But the public having no rights of common, would not participate in that advantage?—I have never seen a single picnic party, or anything approaching to a picnic party there. I am clerk to the magistrates of Kingston-upon-Thames, and the only way in which I have to do with the common is, that we frequently have poachers brought up before the magistrates. The commons are so extensive that they rather do a damage to the labouring poor instead of a benefit; they cannot use the commons, and by this inclosure we are quite prepared to grant a portion to the vicar

vicar and the churchwardens for poor allotments. We wish to obtain our own rights, but at the same time to promote the real benefit of the poor.

1029. Supposing that the restriction which, under the present law, might prevent your giving a very considerable recreation ground to the poor, were removed, you would give 20 acres upon the common, and, perhaps, even more?—Yes; I think that that is an absurd restriction, and that it might be very advantageously removed.

1030. Is this land which, if cultivated, could be made productive? — I should think that a great part of this land is quite as good as the land which was inclosed 70 years ago, and which is now all under cultivation, and is valuable land.

1031. Are there many cottages there now in the neighbourhood which did not exist at that time?—I scarcely recollect any.

1032. I see that in your application to the Commissioners, you state that the lord of the manor has no rights whatever, except as the owner of several houses entitled to shares. Has your attention been called to the clause at the end of the Act?—Yes; and I am advised that those rights are nothing at all. We are advised that the soil of the common is really and truly vested in these commoners. When that petition was presented, an inquiry was held; the Assistant Commissioner came down, and held an inquiry.

1033. Who was the Assistant Commissioner?—I forget.

1034. Was it Mr. Wetherell?—I think that it was. After the inquiry I heard from the solicitor to the Commissioners that as the lord of the manor objected to the inclosure, the Inclosure Commissioners could proceed no further. I have had many communications with the solicitors of the lord; at first they said that if the lord had one-sixteenth given to him he would consent. We said that the lord had already had it; but after that he refused, and said that he would consent to no terms whatever. They then said "We do not want to get into litigation; will you consent to a special case to be submitted to the court?" My clients said "Yes," and when the lord of the manor saw the special case he refused to agree to it, and of course we could not then go any further. I then took the opinion of equity counsel. The common law counsel said that the lord of the manor had no rights; and my counsel, Mr. Denman, said that we must apply for a mandamus against the Inclosure Commissioners, and I hope that we shall bring it on next November.

1035. Supposing that you were under the provisions of this Act, could not you then agree upon a scheme which would answer equally well the purposes of those interested?—I think that it is perfectly impossible, because the lord of the manor claims the right of sporting, which we are distinctly advised that he has not.

1036 If you were under this Act of 1866, do you think that you could not obtain a scheme without the consent of the lord of the manor?—We could not do so without litigation, most probably, for this reason, that he is the owner of rights. If he were only the lord of the manor I should say that we could probably do it; but he is the owner of 14 cottages of his own.

1037. Where do you find in the Act of 1866 that the consent of every person is necessary?—I do not find it; the parish of Cobham is too small, it could not bear the expense of being rated for a scheme.

1038. Then is it your opinion that the passing of the present Bill would be injurious to this common?—Yes, because there are so many poor people that they could not subscribe the necessary money to get a private Act.

1039. And you do not think that that loss would be compensated for by keeping open what you propose to inclose?—The common is of no use to them. As far as the poor go, there are very few of them who can keep a cow, and as to cutting fuel, perhaps they may cut some of the fuel, but that is very trifling; but we propose to give an allotment to the poor of a recreation ground, and by that they would be far more benefited than by the non-inclosure.

1040. If this inclosure were made, would not there be a good deal of building on that common?—I doubt it. It is understood that a part of this land should be sold to the gentry round the common so as to protect their dwelling-houses; they are the only opponents. If this inclosure were carried out we should give them sufficient land to protect their houses from buildings being placed too near them. If a railway came some of the land might be built upon.

1041. Did I not correctly understand you to say that 500 *l.* an acre had been given for building land?—Yes.

1042. Is it not possible that some of these gentlemen might sell it at that price to persons who were desirous of building?—It is possible, but there are 2,000 acres and more of Crown land adjoining this common, 800 acres of which are common, and there is an immense amount of common land there.

1043. Is it difficult to get building land there?—No, I could sell 600 or 700 acres of land for building, but there is no bid for it.

1044. Is building progressing there now?—Very slowly; it is principally large houses which are built; it is a very pretty place.

1045. Is the price which is demanded considerable?—Yes, I should ask 200 *l.* or 250 *l.* an acre. Further off the Esher Station I am asking 100 *l.* an acre; it is better land for farming, but it is not so good a situation; it is near the river. In my opinion it will not at all check building.

1046. In the number of 96 are there many poor persons?—Yes, and some of them reside actually in the cottages.

1047. They might be tempted to sell land for building at a cheaper rate?—Yes.

1048. Then there is a great probability that there might be building there?—Yes, but still there is so much land for building there, that I do not think that that would be the result.

1049. Looking forward to the increase of building round London, would there not be a large amount of building about there?—Yes, it is possible.

1050. Then would it not be desirable to have an open space as a lung?—Certainly; no one is more attached than I am to an open space, but I should sacrifice my feelings as regards a great many commons in Surrey, because there are so many of them.

1051. You think that the number of spaces which are more desirable to be kept open, are sufficient to preclude the possibility of the public suffering by this inclosure?—Yes, that is my contention. You must value the amount included

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cluded by this Bill by millions of acres, rather than by thousands. I say that if this Bill is passed there ought to be some measure to compensate the people affected by it.

1052. Are you able to state the number of acres in Surrey which would be affected by this proposed extension?—No.

1053. Is it very considerable?—Yes.

1054. Are you able to say that much of that land is of a character which is different from that of many metropolitan commons?—Little Heath would make very fair land. I have marked them in red ink. (*The Witness explained the matter to the Committee upon a map.*)

1055. You have spoken of rights which you think ought not to be affected or taken away without compensation?—Yes; I think that Parliament, having sanctioned an Act of Parliament with regard to the Cobham Commons, it is not fair to put the parties to a great expense in obtaining another Act of Parliament now to sanction another inclosure.

1056. Do you not think that the intention of that Act was to allot these 300 acres to the labouring poor?—No; if you refer to the award you will see that scarcely one of the labouring poor gets the right, and I am advised by counsel that the allotment to the owners, although for the use of the occupiers virtually, carries the ownership with it. That is a legal point with which I do not wish to trouble the Committee.

1057. I suppose that if it were 200 or 300 miles from London, you would not have very much difficulty with this inclosure?—Just so.

1058. And you have not been able to discover a reason why what is a right 300 miles from London, should be a wrong when it is only 20 miles from London?—I think that the Inclosure Act itself should be repealed, which lays down certain conditions before any exceptional legislation takes place.

1059. And, in your judgment, if the extention of this Act should prevent the inclosure of this common, there should be compensation?—Yes; I am advised by counsel that the owners of 132 cottages are the owners of this common, and that you are taking away their freehold rights.

1060. Mr. *Bonham-Carter.*] Your opinion, from a knowledge of the circumstances, is, that this property is now vested in 43 persons?—I do not think that there are above 30 or 35 persons; I cannot exactly say how many; I have a list here, which I believe to be correct, by which it appears that there are 30. I should say that there are not more than 37 rights.

1061. Your opinion is that these persons are practically the joint owners of that property?—We admit that the lord is the bare trustee; that is to say, that the soil is vested in him as a bare trustee, but that the court will direct him, as such bare trustee, for the commoners to convey the soil to them; that is the position which we take.

1062. How do you proceed in the case of trespass?—It is impossible to proceed. If the 132 persons, or 50 or 60 of them choose to proceed, I do not see who is to bring an action against them; I only see endless litigation.

1063. Supposing that these 30 persons were to agree, what right would be invaded by their proceeding?—It is impossible to say that. The Act itself is very confused and uncertain, and it is only for a court of law to say how those rights can be exercised.

1064. Your belief is, that there is at present a very great latent value which the inclosure under the Act of 1845 would develope?—Exactly so, and it would be for the benefit of all parties, rich and poor, that the land should be inclosed.

1065. Do you not think that the persons who have built residences in that neighbourhood have built in ignorance of the law, on the assumption that these commons could not be inclosed?—I cannot, of course, answer that question; but we are prepared, in case of this inclosure taking place, to take care to add such a portion of land as shall free their residences from any damage.

1066. Have you been connected with other inclosures?—Not directly.

1067. Are you aware that, in practice, instructions are given to the valuer at the first meeting?—We should give those instructions to the valuer.

1068. And those instructions, as a rule, protect what are called frontage interests?—Yes; that is what we intend fully to give.

1069. Have you any reason to suppose that, if this were held to be an inclosure under the Act of 1845, those frontage interests would be injured?—Certainly not.

1070. If gentlemen came into that country who were not fully aware of the operation of the Act of 1845, and built in the neighbourhood of commons, they might be disappointed if the commons were inclosed, but they would have no legal right to complain?—Just so. Most of the buildings were not erected before I took these proceedings. Mr. Austin's house, and one or two others, were built before that time.

1071. You have incidentally given an opinion that the inclosure of a great portion for recreation ground is unnecessary?—I think so.

1072. But you would not object to a large portion of recreation ground being set out by the Commissioners, if all the parties consented?—Yes; I think that it ought to be left exclusively to the Inclosure Commissioners.

1073. Your opinion is that, if property of this nature is exceedingly trifling in value in its present state, its inclosure is a matter of public policy, and should not be restrained?—Yes; it adds to the wealth of the State.

1074. Have you any idea of the value of the commons in question now, as compared with what it would be if they were inclosed?—I should value these commons of 300 acres at 30,000*l.*

1075. What do you consider that the rights, which could be valued in money, now actually in use, would be estimated to produce?—If the parties sold their rights, I think that they would ask about 100*l.* a piece for them.

1076. What is the value of the actual user at the present moment?—I would not give 6*d.* for it; I understand that only one person uses the common, and that is the tenant of Lady Ellesmere; if the common were inclosed, it would, of course, be more valuable.

1077. Mr. *Johnston.*] Have you studied the case of the Walton and Weybridge Commons, and Byfleet Inclosure?—I have been a little mixed up with the Walton Inclosure; in that case there is an allotment to certain trustees for the poor, and I believe that it is a very beneficial thing; the case of Walton is different from that of Cobham; if instead of allotting these 300 acres in the way in which I have mentioned, they had been allotted to the occupiers, it would have been different, and

and there would have been an end of the inclosure.

1078. Do you not imagine that the intention of Parliament is the same in both cases, namely, that there should be a perpetual provision for the exercise of the rights of the poor in that neighbourhood?—You must look at the different dates; I suppose that then, instead of 500*l.* an acre, you could buy the land at 5*l.* an acre.

1079. Do not you suppose that the intention of Parliament was the same in both cases, namely, that this should be a perpetual provision for the benefit of the poor in the cutting of turf and fuel?—I can only look at the Act of Parliament, and I say that it gives the land to the owners and not to the occupiers; I cannot tell what the intention of Parliament might have been; I can only construe the Act as it exists.

1080. Am I to understand you to say, that you think that the labouring population is not increased?—I would rather not answer the question; other witnesses are beter informed.

1081. Has not an increase of the resident gentry almost invariably increased the number of labourers?—Knowing Cobham well, I may say that I do not recollect any new cottages there, which seem to bear the impress of having been erected in the last 10 or 15 years.

1082. Do you propose to set out allotments for the labouring poor in one place, or in all the six places?—In my opinion, in order to meet the demand of the localities and the cottages, there ought to be an allotment in each place, according to the number of the cottages round.

1083. You say that the lord claims the right of sporting?—I believe that he does; there is no game there.

1084. As far as you are aware, his keepers do not warn persons off?—There are no keepers that I am aware of; he claims the right of sporting, I know.

1085. You are aware that the Act of 1866, which is proposed to be affected by this Bill, provides that a scheme may be made?—Yes; but this is too poor a place for a scheme; the common is too poor, and no scheme could be carried out; the funds could not be raised.

1086. Colonel *Barttelot.*] Originally, I think, there were 1,300 acres of common?—Yes; the Act of Parliament states it.

1087. Do you know whether it was all in one manor?—Yes, it was.

1088. Was the present lord, or his ancestors, the owners of the manor?—They were.

1089. And the whole of these six commons, although scattered, were in that manor?—Yes.

1090. Are there any other commons in the manor?—I think not; in fact, I feel sure that there are not any other commons in Cobham, except those as to which Mr. Mount would be the lord of the manor.

1091. You have lived in that neighbourhood for some considerable time?—For about 20 years.

1092. Is it, or is it not, the practice of the people from London to come down there in large numbers?—I do not believe that 10 people know the place; it is quite out of the way; it is four and a half miles from Esher station, and it is quite out of the way for any recreation parties; I never saw a picnic party there in my life.

1093. And the 20 acres which you would propose to reserve as a recreation ground, would be amply sufficient for that district?—I leave it entirely to the Inclosure Commissioners.

1094. But so far as you, as an inhabitant of that district are concerned, you would think that the 20 acres is a sufficient recreation ground?—Yes, and more than ample.

1095. I have understood you to say that there should be allotments for the labouring poor in each of these six commons?—Yes.

1096. You were asked whether the labouring poor had increased or not, in that district, on account of the residential proprietors; do they employ much labour; do they farm at all?—Almost all of them are town gentlemen.

1097. What is the average amount of ground which is attached to each of those houses?—About two acres.

1098. Then they would not require much increase of labour?—No.

1099. What is the population of that parish according to the last census?—About 2,000 inhabitants.

1100. Do you know what it was in 1851?—I cannot tell.

1101. Has it increased?—I cannot say.

1102. I suppose it has increased as regards the higher class of persons?—Yes, decidedly.

1103. Has it increased or decreased with regard to the labouring poor?—I cannot say.

1104. Do you pay any attention to that subject as clerk to the magistrates?—Yes; as far as the rateable value of Cobham goes, it has a good deal increased.

1105. Is it within your knowledge that the rateable value of that land, irrespectively of the people who have come down from London, has increased or decreased?—I cannot say.

1106. You know those commons?—Yes.

1107. Are they frequented by people coming down from London?—I never saw any London picnic parties on them; I have seen people going about with dogs, and that is all that I have seen on these commons.

1108. Supposing that Parliament thought fit to pass such an Act as that now before us, do you think that those commons would be frequented by persons from London?—I do not think that any person would come upon them; the hardworking artisans of London, who ought to be protected, all go to Richmond Park, and Hampton Court, and those places which are much nearer London; I think you would do a great deal more good by inclosing these commons, and giving employment to the poor of the locality.

1109. Supposing that the commons were not inclosed, would it not inflict a great deal of injury upon the persons having rights on these commons?—Certainly it would.

1110. Could these rights be in any way compensated, the commons being left uninclosed?—It would be a very difficult matter to manage, they might be compensated, but it is a question I have never studied, as to how it would be possible to compensate them; you could only value the land as freehold land inclosed, and then of course the loss would be very considerable if the parties did not get their right.

1111. As I understand you, many people are both owners and occupiers?—A few are so; I will not say many.

1112. Supposing that the common could not be inclosed, it would be depriving the party, at any rate, of a very considerable right which he now possesses?—I have no doubt that it would be

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be depriving him of a right which some would not sell for 200 *l.*

1113. Have you ever considered the Act as it now stands?—I have considered it slightly.

1114. Do you know the commons which are now situated within that area?—I know most of them.

1115. Are those commons very much frequented by people from London?—I have never seen a single London van, or a pleasure van, from the neighbourhood, on any of these commons.

1116. Those commons which are at present within the area in Surrey, are very considerable, indeed, are they not?—They are very large, indeed.

1117. Mr. *Winn.*] I think that this allotment of 300 acres was left to the poor to cut turf, was it not?—Turf and fuel; cutting turf and heather for fuel in equal proportions, according to the number of houses.

1118. If you left them only 20 acres, how would you propose to compensate them?—I should propose to give to the churchwardens and overseers, or trustees, by name, or the county magistrates, a certain amount of land in fee, so that a quarter of an acre, or half an acre, might be reserved to the poor for cultivation; the cutting of turf is actually useless to them.

1119. Mr. *Cowper.*] Do you mean to say that, as a matter of fact, nobody cuts turf for fuel?—I do not mean to say that; I have ridden across the commons, and I have found that the height of the ling is very great; it does not seem to have been cut in Fair Mile; it may have been burnt.

1120. In fact, you know nothing more upon the subject than you could discover by the operation of riding across the commons?—Just so.

1121. Are we, or not, to understand that you know personally that that right of turbary is not of value to those who are entitled to it?—I would rather not state anything definite upon that point, because I have not sufficient information upon it.

1122. You have mentioned that the common is covered with gorse, do you mean the Committee to understand that there is no ground for pasture left on account of the gorse, or only that it is covered to a great extent with gorse?—On Fair Mile Common there is scarcely a bare place, I have never seen a cow there; I may have seen a gipsy's horse there.

1123. Are there a great many tracks by which you walk through the gorse in many directions?—No, there are not many; of course it is an understood thing, that if this inclosure took place, the tracks would be preserved by the Inclosure Commissioners.

1124. Do you mean that the gorse grows in such a close and tangled way, that people cannot walk across the common in all directions?—I once walked across that common for shooting, and I made a vow that I would never do so again; it was a most tangled place, and with ups and downs, and pit-falls.

1125. Did all this trouble which you took lead to your getting a shot?—No.

1126. Supposing that you had not been moved by that ardent desire for sporting, and had been simply desirous of taking the easiest paths, do you think that then the gorse would have prevented your going in a great many directions?—I certainly should have kept to the beaten path, which we of course wish to preserve.

1127. What extent of the common was the subject of that memorial; was it the 300 acres?—Yes; the subject of this memorial was 150 acres of Fair Mile, 70 acres of Chatley Heath, 20 acres of Poynter's Green and Downside Common, 20 acres of Little Heath, 20 acres of Old Common, and 20 acres of the Tilt, Leigh Hill, and Brook Hill; making together 300 acres.

1128. Some of those heaths being at a considerable distance from the others?—They were all scattered about to meet the wants of the cottages at the time.

1129. How many persons signed that memorial?—In this memorial there are the owners of 96 rights; but the owners of 15 or 16 additional rights have since instructed me, and I consider that I represent about 114 rights out of 132.

1130. Can you state how many persons possess those 114 rights?—I think about 30.

1131. I suppose that when this Act was passed the 132 rights were assigned to 132 cottages?—I have the award here; all these allotments are made to owners virtually; one owner gets eight rights; another has four houses; another two houses, and so on; and there is one case in which an owner has 11.

1132. There were 132 cottages at the time?—Yes; but I should think that the number of owners was about the same as it is now; perhaps there might have been 50 instead of 35.

1133. Do you think that the 132 cottages are still standing?—No; many of them I know have been pulled down.

1134. Can you give any information as to the number which have been removed?—I cannot; that will, of course, have to be thoroughly gone into, if there is an inclosure.

1135. From your experience in the offices which you have filled, do you think that there are cottages in the parish which pay less rent than 6 *l.* a year?—That question I could not answer, because I did not look at the rate-books beforehand; but I should think that the value of a good many cottages would be about 4 *l*, or 5 *l.*, or 6 *l.* a year.

1136. What is the distance between Fair Mile Heath and the town of Cobham?—I should think that it is as nearly three-quarters of a mile as possible; there are two Cobhams, namely, Cobham Street and Church Cobham; Fair Mile Heath is about half a mile from Cobham Street, and three-quarters of a mile from Church Cobham.

1137. *Chairman.*] Have you had any experience of the working of the Act of 1866?—I have not.

1138. Then your objection to its extension is merely that you are satisfied that the provisions of the general Inclosure Act are applicable and suited to your particular common?—Yes; and that it would be a great expense to us to apply for a special Act of Parliament.

1139. Mr. *Bonham-Carter.*] You stated that it was your intention to set out a certain portion of the land for the benefit of the poor inhabitants?—The owners of rights would no doubt be glad to do that.

1140. Is there any difficulty in making a scheme to do that under the Act of 1845?—I have not gone into that question. I have never studied the question of a scheme.

1141. Are you aware that the instructions to the valuer may include that very provision?—I have read the Act, but I forget that clause.

1142. Is

1142. Is it proposed that the cost of the inclosure should be defrayed by a rate, or by the sale of allotments?—There has been no definite proposition, but what conversation has taken place would tend to show that it would be by the sale of a certain portion of the common before or after the allotments were made, reserved for the especial purpose.

1143. Those allotments which were sold would have a Parliamentary title? — Yes, under the Inclosure Act.

1144. You said that there were certain owners and occupiers of cottages which had rights under the original Act, and I think you said that if you deprived these small men of the right of inclosure, you would probably deprive them of something of the value to them of about 200*l.*? —Yes. Mr. *J. Bell.* 12 July 1869.

1145. And that they would object to that being done for the purpose of strangers?—Decidedly.

Mr. William Worsfold, called in; and Examined.

1146. *Chairman.*] What are you?—A farmer.

1147. You live in the neighbourhood of this common?—Yes, at Cobham.

1148. Are you possessed of rights?—Yes.

1149. Of how many rights?—A dozen.

1150. Did you sign the memorial which was presented to the Inclosure Commissioners?—Yes.

1151. And are you anxious for this inclosure? —Yes.

1152. With regard to the labouring population existing on or near the common, has that population increased or decreased within your knowledge?—It has rather increased. I have been in Cobham all my life.

1153. Have the number of cottages increased? —No, we are very badly off for cottages.

1154. You require more cottages to be built for the labouring population?—Yes; if I have one to let I have 20 applications for it.

1155. Are those houses in the town of Cobham?—Yes, some are in the village; the parish is 4,000 acres.

1156. Are the occupiers at some distance there from their labour?—Some of them; it entirely depends upon circumstances; some are on the farms; there is no general rule about it.

1157. Do you know how many cottages have been pulled down since the passing of the Act of 1793?—Not a vast number have been pulled down; I should imagine not probably more than 20 in the parish.

1158. Are those 20 to be deducted from the 132 cottages?—Yes.

1159. But still you say that there would be no difficulty in finding occupants for the cottages?—Not the least.

1160. If that be the case, I suppose that it would be rather desirable that the occupants of those cottages should have some garden grounds, or allotments?—It would.

1161. With regard to the proposal to inclose this common, are the promoters of the inclosure ready to provide such allotments?—Yes, where they are near to the cottages; some portions of the common are so distant and poor that they would not be available.

1162. Is the land around in the hands of large landowners?—Yes, generally.

1163. And are the farms in that neighbourhood large?—Yes; there are some large farms; there are about half a dozen in the parish.

1164. And there are not cottages upon the farms?—Not sufficient.

1165. Supposing that the landowners and the farmers should become awake to the fact that it is very desirable to bring the labourer as close to his labour as possible, there would be a considerable increase in cottage building? — Yes. Mr. *W. Worsfold.*

1166. Would the cottagers who came into the neighbourhood in consequence of the inclosure of this common cause the loss of any right to the others?—I do not think that people coming into the neighbourhood would affect them at all. I look upon the common as being perfectly valueless to the parties mentioned in this Act; the right is for the purpose of fuel, which they never use. I do not think that one man who lives in a cottage now burns a piece of this turf, or cuts turf for fuel. I am well acquainted with their habits. We have a coal club in the neighbourhood, and coal can be bought much cheaper than it could be purchased at the passing of this Act.

1167–8. Do you agree generally in the estimate of the value of the common which was given by the last witness?—It is, no doubt, very valuable for building purposes.

1169. But it is valueless now?—Yes; to those who have the rights. If I bought a cottage worth 1 *s.* a week, I should charge the man who went in 1 *s.* I should not think that a house was worth any more money for having the right than one which had not it.

1170. Does your experience tally with the experience of the last witness, that no persons come down to that common?—I have known it for 45 years, and I never know one party come there. When I was quite a youngster I went to school across the common, and I have known it almost ever since.

1171. Is there any prospect of the common being cleared of its heath and ling, unless, by this inclosure, persons have an inducement to clear the heath and ling?—I think that there is none.

1172. Is there any game there for sporting?—No; there are too many poachers there; there are gipsies and tramps there.

1173. Is one reason of your desiring to make the inclosure to prevent this common being the resort of tramps and disorderly characters?—Yes, but not entirely.

1174. How much of this common do you think you would get by this inclosure?—I have about four rights, but my family relations have rights as well.

1175. How should you employ the land which you would acquire by that right?—I suppose that it would depend upon what portion was allotted to me.

1176. Supposing that you had 5, 10, or 15 acres, how could you turn it to advantage?—I should sell it for building.

1177. I suppose that that would be the general

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wish of the people who got their rights under the inclosure?—Some might wish to have a little bit of land to build upon themselves. I know that they are all anxious to have a piece of land.

1178. And which they would, no doubt, be anxious to dispose of for building?—Yes, many would do so.

1179. And then there would be a considerable increase of building?—Yes; I have no doubt of it, provided that the land was all allotted out to them. Some people suggest that the land should be put up and sold. Of course in that case it would depend upon the hands into which it fell; probably the whole lot might be disposed of without that power.

1180. It, no doubt, would add to the population of the neighbourhood?—No doubt of it.

1181. And you think that the open commons would afford a considerable amount of space so as to make the new buildings healthy?—Yes; there are much more attractive spots than this common.

1182. Are there not woods in the neighbourhood?—Yes, very pretty woods.

1183. And which afford a much more convenient and pleasurable place for picnicing?—Yes.

1184. Have you heard any complaints on the part of the poor of the neighbourhood with regard to that inclosure?—I rather think that they are in favour of it.

1185. Were you present at the meeting which was held by the Assistant Commissioner?—Yes.

1186. Was it very numerously attended?—Yes.

1187. At what time in the day was it held?—In the middle of the day.

1188. How many people were present?—I think from about 30 to 50.

1189. Was any objection then expressed to the inclosure?—Only by one person, namely, by Mr. Price, who has a house on the borders of the common.

1190. What was his objection?—I imagine that he thought that something objectionable might be brought to it.

1191. There was no objection on the part of the poor people?—No.

1192. Was the clergyman present?—No.

1193. How does he feel with regard to the inclosure?—He is in favour of it.

1194. Then, you and your co-holders of rights would be very vexed if, having taken the steps with regard to this inclosure which are authorised by law, you found that you were now taken out of the Inclosure Act, and were put under the provisions of the Metropolitan Commons Act?—Yes.

1195. Mr. *Johnston.*] You are possessed of these rights as owner?—Yes; as owner of the cottages.

1196. Colonel *Barttelot.*] How much land do you farm?—About 200 acres.

1197. Are the farms there large, or small?—They vary from 100 to 400 acres.

1198. On the average, how many men do you think that it takes to cultivate 100 acres?—Four or five; that is to say, constant men.

1199. What is the rate of wages now?—About 15 *s.* regular wages at this time of the year.

1200. And you pay extra at hay time and harvest?—Yes.

1201. Are the cottages in your district good or bad?—They are not very good.

1202. What is the rent of them in your district?—I let my cottages at 1 *s.* 6 *d.*, 2 *s.*, and 2 *s.* 6 *d.*; but they are very frequently let at 3 *s.* if there is any up-stairs to them.

1203. If any speculators built cottages there, and ran them up cheaply, they would have no difficulty in getting tenants?—No difficulty.

1204. Do you think it a good thing that a class of cottages of that sort should be built?—Not too many, but sufficient for the wants of the parish.

1205. Should you think it a good thing, in your locality, to have that class of cottages built in the expectation of getting an allotment of garden ground in the neighbourhood, they not having one?—I think that persons might speculate upon that; they must have the ground to build upon first.

1206. But up to the present time you have not had many cottages built in the neighbourhood?—Very few.

1207. In fact, you say that you want cottages?—Yes.

1208. Mr. *Winn.*] Do the rents which you get include any garden, or is it simply for the house?—My cottages have a little piece of garden.

1209. To what extent?—Enough to grow vegetables and potatoes; perhaps three rods.

1210. Supposing that these allotments were made from the common, for the use of the poor, could they be made in a position suitable for the poor?—They could not be fixed in one identical spot which would be useful for the whole parish, because it is so very wide; they must be scattered about.

1211. Do you propose that this land should be allotted for garden ground, or for recreation purposes?—Some for one, and some for the other.

1212. Mr. *Cowper.*] Did you say that there were some cottages in the parish which let for 1 *s.* 6 *d.* a week?—Yes.

1213. Are there a good many of that description?—No; that is unusually low.

1214. Are there a good many cottages in the parish which are without allotments or field gardens?—A good many.

1215. What is the distance from the railway station of the nearest point of these commons?—Esher and Fair Mile are the nearest, and they are 3½ miles.

1216. Did you mean to say that you knew of no instances of turf being cut in any of the commons, or only in one particular common?—Cobham Common; I do not believe that a piece of turf has been cut there.

1217. What is the soil of the commons; is it good for pasture?—No, it is very dry; it is a gravelly soil.

1218. Does the gorse generally grow so much as to prevent the use of the land for pasture, or is it only in particular places?—It is nearly all over it. I do not think that over the 300 acres there is a piece of grass which is worth 5 *s.*

Mr. HENRY MARSHALL, called in; and Examined.

1219. *Chairman.*] You are Clerk of the Peace for the county of Surrey?—I am.

1220. I think that you wish to give evidence, especially upon the subject of Wisley?—Yes; more particularly upon the evidence which has been given to this Committee. I have attended here to watch the proceedings of this Committee without any desire to oppose; but there is some evidence which I am afraid will not be understood unless it is explained. I wish, therefore, to state the custom of the manor.

1221. You do not agree with the statements which have been made respecting the rights of lords and commoners; or rather, the absence of rights, which has been stated by some witnesses?—No; and I am afraid that unless the statement is contradicted, and put right, it is liable to cause confusion hereafter.

1222. Will you state the particular points upon which you wish to give an opinion?—The facts are, that the lord of the manor, as proprietor of the soil, is entitled to the common, subject to the rights of the tenants; and if the tenants assert those rights contrary to and against the opinion of the lord, they (the tenants) must prove the rights which they possess.

1223. Are there not manorial courts held?—There are.

1224. Are not the tenants of the manor admitted by a certain form?—Yes, certain tenants; in some manors they are very limited, and the courts are held very seldom.

1225. I suppose that you hold to the old-fashioned view, which has lately been questioned, that the legal rights are exhausted between the lord and the commoners?—Yes.

1226. Have you any especial evidence to offer us, with regard to the extension of the Metropolitan Commons Act of 1866 to a larger radius?—I am prepared to answer any question which the Committee put to me upon it. I am willing to leave it to the Committee, whatever their discretion is about it, so long as there is no misunderstanding as to the facts. I was solicitor to Lord Lovelace, and I now give him advice upon occasions. The evidence which was given on Thursday last, I think, was very dubious and uncertain, and I am afraid would bear a different construction to what the Committee would wish to put upon it; and therefore I wish to show that it is not assented to by Lord Lovelace, or the other parties. I contend that the lord of the manor, being entitled to the soil of the manor, is entitled to all rights connected with it, excepting those which are enjoyed by the tenants.

1227. This Committee is sitting specially to determine whether or not the provision of the Metropolitan Commons Act of 1866 should be extended to a wider radius; will you kindly tell us whether, from the evidence which has been taken before this Committee, or from any other source of information, you have formed an opinion which is favourable or adverse to that extension?—My opinion is adverse to the extension.

1228. Does that arise from your belief that the Act works badly in the area to which it is now applicable, or is it because you think that the class of lands which would be included in a wider radius are such that the Act would not be applicable to them?—I think that the area at present is quite sufficient, and that an extension of it would have rather a bad effect than a good one.

1229. Do you hold that opinion because you believe that the character of the lands in the wider radius is different from the character of the lands in the narrower radius, or for other reasons?—I do not give that opinion from the character of the land but from the situation of it, I think that there is no occasion for the increased extent, because for all the purposes of the existing Act there is still ample room.

1230. You do not think that the population of the metropolis is growing so fast that in a few years time the circumstances which now exist in the limited area would still exist in the same degree in the wider area?—No, I do not believe that the extension is at all called for.

1231. Have you had before you the calculations made by Mr. Scott, as to the rapid increase of the metropolis?—Yes.

1232. Do you differ from his opinion?—I do not fall in with it, I think it wild; there will no doubt be a considerable increase.

1233. You do not deny that building is extending round London?—No.

1234. Have you any special reason for believing that the population will not increase as it has increased hitherto?—I think that the population will increase, but there is room for it.

1235. Do you not think that the Legislature, supposing that it decided upon preserving the open spaces around the metropolis, as it has done, would also be wise to look forward to such an extension of the population as would make a wider extension of the area desirable?—I think that the period for that would be so remote that it had better be left alone.

1236. But when that period did arrive there would be no open spaces to preserve?—I do not think that that period will arrive, at all events in our own time.

1237. You do not think that legislation should be made for the purposes of a future generation?—Only for a necessary purpose.

1238. With regard to the character of the land at a greater distance from the metropolis, even supposing that there are certain commons which it is very desirable to preserve as open commons, do you think that the extension to 25 miles would prevent the inclosure of certain tracts of land which are suited for inclosure?—I do not think that the land, in some cases, is of that quality which would be so essential for agriculture. If the land were used, it would be simply for building.

1239. Do you think that there is difficulty now in getting land for building purposes?—No; the price of land has, of course, increased.

1240. Supposing that Parliament thought proper to include this land within the operation of the Act, is it your opinion that it would be a practical limitation of the rights of the lords and commoners within that area?—I think so.

1241. You think that the preventing a man from obtaining the enhanced value of the land which he would get by its inclosure is a practical limitation of his rights?—As I understand the question, it would be a practical limitation of his rights. I think that there is a limitation and an injury in some cases.

1242. Do you see any reason why a right which can be exercised in one manor 150 miles from

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from London should be limited in a manor within 25 miles of London?—In neither case should it be done except under public necessity.

1243. And do you think that in those cases compensation should be awarded?—I think that those who benefited by it should pay for it.

1244. Do you wish to give any local evidence?—No.

1245. Is there any other point upon which you wish to give evidence before the Committee?—No.

1246. Mr. *Cowper.*] You stated that, as agent to Lord Lovelace, you were acquainted with the customs of the manor?—Yes.

1247. Will you inform the Committee what proceedings the lord of the manor could take for inclosing this common if he had not the benefit of the operation of the Inclosure Act?—I believe that he and the tenants, who are all of one opinion, might do it of themselves without going to the Inclosure Commissioners; but that they thought it was right that they should go to the Inclosure Commissioners; all the homage were for the inclosure; it is a unanimous inclosure; in some instances it would not happen so.

1248. Has there been a meeting of the homage?—There was a general meeting called by the Commissioners of all persons having an interest in the common.

1249. By the customs of that manor, is there a court of homage?—Yes.

1250. And has there been a court of the homage?—No in no manors have I known so few courts held.

1251. Have you, by examination of the rolls, ascertained the date of the last meeting of the court of homage?—It was very remote; it was not in my time.

1252. Supposing that the court of homage could be assembled, do you think that then, by the custom of the manor, the lord of the manor, with the consent of that court, could inclose?—I think that, if all those persons who were interested as lord and tenants agreed, they could inclose.

1253. Then, are the Committee to understand that your general impression is, that the inclosure of Wisley Common can take place by other means than by the operation of the Inclosure Commissioners under the Act of 1845?—Yes; but I am not sure now that it would not be better to get it done under the Inclosure Commissioners, because some persons might have an erroneous opinion, and we might have some trouble.

1254. Supposing, as you just now said, that the lord can inclose with the consent of the commoners, do you think that he could be deprived of his inclosure in one way by the Commissioners, if he could not inclose in the other way?—I think that it would be better that he should proceed under the Inclosure Commissioners.

1255. What would be the advantage of his proceeding in that way?—I think that the people might go and knock down fences.

1256. But would not the lord of the manor have a remedy?—He would have a remedy, but not a very easy remedy.

1257. Have you any doubt that he would be successful?—None at all.

1258. Then the advantage to Lord Lovelace, by being placed under the Inclosure Act, is a matter of convenience, but not of primary importance?—It is a matter of convenience.

1259. And as the Metropolitan Commons Act does not interfere with any right which the lord of the manor and the commoners may have independently of the Inclosure Commissioners, an application of that Act to Wisley Common, would not be inflicting any injustice upon the lord of the manor and the commoners?—It would be a difficulty which could be got over, but at some expense.

1260. It strikes you that it would be rather a matter of expense than anything else?—Yes.

1261. Mr. *Bonham-Carter.*] Would not the advantage of inclosing under the Act be, to bar claims?—I do not think that in that case, there could be any claims; I quite agree that in some manors it would have the effect of barring claims more completely than by the parties inclosing by themselves.

1262. Would not the advantage of putting an end to the advancing of claims on the part of some very small rights (because you seem to have ascertained the main rights) be an advantage for which it would be worth while to go before the Inclosure Commissioners?—I think that it would be desirable, and I would recommend it.

1263. Under the Act, irrespectively of the inclosure, have not the Inclosure Commissioners the power of partition?—I do not quite understand your question.

1264. Supposing that there are four commoners who are joint owners of property, whether inclosed or common, have they not also the power of going to the Inclosure Commissioners, and asking them under their powers to make a partition between the parties?—I do not think that they would do it without the lord; you must have a certain consent.

1265. Mr. Scott, in his evidence, stated that he contended that the public have a free access at the present time to the whole of Wisley Common?—Yes.

1266. In your evidence, I think you have stated that the ownership of the common in fee, and of the common rights, is now vested in four persons?—Yes.

1267. And we have had evidence that these commons are not very greatly frequented?—Yes.

1268. Do you think that there is any justification for the statement that the public have a right to the whole of Wisley Common?—No, but quite the contrary.

1269. The same witness has stated that an action of trespass would not lie, and would not be successful?—On the contrary, I believe that it would be successful.

1270. Colonel *Barttelot.*] You know the commons of Surrey?—Yes.

1271. Are the commons which are now within the area of the Metropolitan Commons Act, much frequented by the public, or not?—No; some are frequented more than others; but I believe that, generally speaking, they are not much frequented.

1272. Taking it as a general rule, the commons are not much frequented by the London public?—Wimbledon would be much frequented.

1273. Outside the range of Wimbledon, or Hampstead Heath, are the commons much frequented or not?—I think not.

1274. Mr. *Winn.*] You say that the space which is now included within the radius of 15 miles, is amply sufficient?—I do.

1275. Do you know any open space beyond the

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he radius of 15 miles, which is much frequented y the London public?—No.

1276. Do you know Epping Forest?—I do ot know it intimately; I should not like to peak to it.

1277. Upon the whole, you think that a adius of 15 miles is all that is likely to be equired within a reasonable time?—Yes.

1278. Should you say that, if another common, which was desirable, was discovered, it night be taken and paid for?—Yes.

1279. Mr. *Cowper.*] Have you ever known ny steps taken to prevent the public from vandering over Wisley Common?—No; they ave never wandered over it. At one period here was an attempt to cut turf upon the common, and a knowledge of the matter was brought o me, and I wrote to the parties, and it was topped.

1280. As people who are not commoners do walk and ride over the common, I wish to know whether, in your recollection, any step was ever taken to warn them off, or to warn them from going upon the common?—I think not, unless in the case of game; the game has been generally let, and the keepers look out so as to prevent trespassers.

1281. *Chairman.*] You were asked whether you thought that it would be an injustice to deprive the lord of the manor of one particular means of inclosure. If Parliament, in its wisdom, has passed an Act, giving general facilities for inclosures to the lords of the manors and the commoners, do you not think that any individual who found himself excluded from participation in those facilities would feel himself to be under an injustice?—I think so; but whether it would be right for him to do so or not, I cannot say.

1282. Mr. *Cowper.*] Assuming that the facilities of the Inclosure Act were given for public objects, would there be any objection if those facilities were taken away for equally good public objects?—I think not; if the public objects were good, there would probably be no objection.

Mr. Samuel Smith, called in; and Examined.

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1283. Mr. *Johnston.*] You desire, I believe, to apply the Act of 1866 to Stoke Newington Green?—Yes; we think that the Amendment Bill which is proposed would do so.

1284. What now prevents your doing so?—We have the idea that it is not a common; it might, perhaps, be described as a village green. As far as we know, no one but the inhabitants who exercise the *quasi* right of cutting verdure has any rights over this green.

1285. How large is the green?—One and three quarter acres; it is an ordinary square surrounded by houses.

1286. What words would you suggest to be added to the interpretation of the word "commoner" in order to give effect to your wish?—I would suggest, with great diffidence, that the following words should be added to the interpretation of the term "commoner" in the clause in the Act, namely, "an owner in fee, or for a term of not less than 21 years from its original creation of any land or premises abutting upon or immediately adjacent to any such open space as aforesaid." I should perhaps trouble the Committee with the ground of our requiring such an amendment. Under the Act of 1866, as applicable to commons proper, there are three authorities who may invite the action of the Inclosure Commissioners, namely, the lord of the manor, the commoners, and the local authority. Our idea is that this not being a common, probably can only be made a common by the Bill which is now under the consideration of the Committee; and there being no lord of the manor, nor any commoners, exercising any power in the ordinary sense of the word, there would only be one instead of three authorities who could invite the exercise of the authority of the Inclosure Commissioners; and inasmuch as a previous Act of Parliament enacted that any one of those three authorities might invite the action of the Inclosure Commissioners, we think that we should be put into the position in which a commoner was, or otherwise we should be dependent upon the pleasure and the will of the local authority, who might reject the proposal for any particular reason. We should prefer being put into another position.

1287. Do you think that besides the three parties whom you have named, the owners or occupiers of property abutting upon such a green, ought to be empowered to present a scheme to the Inclosure Commissioners?—It would be rather in substitution of the power which now exists. We are without a lord of the manor, and we say that the proper parties to exercise the rights of the commoners would be the persons who are interested in the preservation of this place. I only refer to the improvement of its condition, not to the exclusion of rights.

1288. At present the green is managed after a fashion by a committee of the neighbours?—Yes; who are enabled by hard pressure to collect 60 *l.* a year, which is absorbed by a constable and his uniform. What we want is to invoke the aid of the Inclosure Commissioners for the preparation of a scheme.

1289. In what way would a scheme enable you to preserve the green from nuisance more than at present?—Because, under the terms of the Act of 1866, we find that there are powers to do things which are approved by the Inclosure Commissioners, and, inasmuch as a scheme by the Inclosure Commissioners, when approved by Parliament, would have all the effect of an Act of Parliament, we hope that that scheme will give us power to fix a maximum rate which shall be sanctioned by the scheme. The houses are very unevenly rated, and we shall ask the Inclosure Commissioners, if the Committee permits us, to fix a maximum rate, so that, in time, some 300 *l.* or 400 *l.* or 500 *l.*, shall be raised. But at present no persons have a sufficient interest in this place to contribute 40 *l.* or 50 *l.* for the maintenance of railings. We are bare tenants and we only get enough money to preserve order. If any honourable Member will imagine Hanover-square or Grosvenor-square divested of its railings, he will readily perceive that, as the population grows around it, it requires a different mode of dealing with it.

1290. *Chairman.*] Are you now under the Act of 1866?—No; we are under nothing in the world.

1291. You are within the radius?—Yes; we are about five miles from this building.

1292. Are you aware that under the Act of

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1845 a village green cannot be inclosed?—Yes, we do not desire to inclose this ground.

1293. What you want is to have it made quite clear that the scheme proposed under the Act of 1866 is applicable to your case?—Yes; that the Act is applicable. We thought that we might be met by the Inclosure Commissioners saying that we are not within the scope of the Act.

1294. Are there any claims made with regard to rights of common?—No. I have old accounts extending back to 1807, in which we find that the whole thing has been absorbed by the inhabitants, and that they have sold the grass and have exercised the powers of watching and lighting, and so on.

1295. You are a churchwarden of Islington?—Yes; I represent the committee which manages the affairs of this green on this point, and we think that we generally know the views of the inhabitants; most of the persons elected on that committee are owners as well as occupiers, and we think that we represent the substantial opinion of the inhabitants, but no steps have been taken to poll the inhabitants.

1296. Did I rightly understand you to say that you thought that in addition to those persons who have now the power of setting the Inclosure Commissioners in action under this Act, the occupiers of adjoining property should have that power?—Yes. The only power who could set the Inclosure Commissioners in action would be reduced from three to one; namely, the Board of Works. In the case of any ordinary common, there would be three authorities, namely, the lord of the manor, the commoners, and the local authority; and we say that if this Bill were passed, it would bring under the operation of the Act of 1866, the case of an open space which this Bill would declare to be a common, but which was divested of the lord of the manor or the commoners; and, therefore, instead of having three authorities, either of whom could set the ball going, you would have only one.

1297. Is your proposal to limit the application of the Act in such a case to places where from the want of other bodies the Act is likely to fail, or would you give the initiative authority to the owners of the adjoining properties, in addition to the three bodies you have mentioned?—I have not reflected upon that point, but I think that they have a perfect right to set the Inclosure Commissioners in action, so that it may be generally an improvement.

1298. Then, you think that in the cases where the local authority, lord of the manor, and persons having rights of common agreed to it, they might be authorised to apply to the Inclosure Commissioners, or to present to them such a memorial as is contemplated under this Act, and that where they did not think it desirable to do so, the adjoining owners should still have the power of setting the Inclosure Commissioners in motion?—I think that in what we propose we are considering the rights and wishes of the parties in the immediate neighbourhood; but if the Committee thought that what we ask is too large, I would request them to limit it.

1299. You would not say that the owners of adjacent properties, who have no rights, have a greater claim than those who have rights?—I perhaps have taken a limited view; I look to Wimbledon, and perhaps the owners of those sort of places have a very different right.

1300. Lord *George Hamilton.*] Do you know any other similar cases to that of Newington-green to which you have referred?—I do not know any other place which resembles Newington-green in its character; externally Islington-green resembles it very much, but it has been ascertained that that is a part of the waste of a manor; it has been conveyed to trustees.

Thursday, 15*th July* 1869.

MEMBERS PRESENT:

Colonel Barttelot.	Mr. Knatchbull-Hugessen.
Mr. Bonham-Carter.	Mr. Knight.
Mr. Cowper.	Mr. Frederick Stanley.
Lord George Hamilton.	Mr. Gerard Sturt.
Mr. Andrew Johnston.	Mr. Rowland Winn.

THE RIGHT HONOURABLE WILLIAM FRANCIS COWPER, IN THE CHAIR.

Mr. RICHARD ELLIS, called in; and Examined.

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1301. *Chairman.*] YOU are the Vestry Clerk of Hackney?—Yes.

1302. And a resident there?—Yes.

1303. Are you prepared to give information to the Committee with regard to the open uninclosed lands in that parish?—Yes; for some years past we have had our attention called to the various open spaces which we have in the neighbourhood of Hackney, and I fancy that we have rather more than is usual round the metropolis; first of all, we have, in Hackney contiguous to the parishes of Shoreditch, Bethnal Green, and Hackney, a large open space, called the London Fields, which consists of some 27 acres; then, further on, north-eastward, we have the Downs, which, properly speaking, ought to be 50 acres; but I do not believe that they are so much now; we have then a piece called Hackney Common, which is further southward, of about seven or eight acres. Then there is Newington Common towards Stoke Newington, out northward, and there is Clapton Common, which is at Upper Clapton.

1304. Are all those commons in the parish of Hackney?—They are all in the parish of Hackney; added to all these are some very large open spaces in the Marsh consisting of about 300 acres. For some years past we have had our attention called to these commons; and, the parish wished to do something, but we find that there are certain rights attachable to them which have always prevented our doing anything at all. Previously to the year 1866, when the Metropolitan Commons Act passed, we prepared a scheme for Parliament, and gave our Notices to Parliament for dealing with the London Fields. I gave the Parliamentary Notices on behalf of the vestry, and of course it was a question, at that particular time, how we were to pay for getting possession of the the London fields, and we proposed to take one of two alternatives, either to sell the brick earth, which, it is supposed, lies very considerably under the London Fields, and to recoup the promoters of that scheme, and not to levy any expense at all upon the inhabitants; or else to sell a belt round the fields in order that we might pay for the remainder. Unfortunately, such a very great clamour was raised by the inhabitants with regard to this scheme, that we were forced to drop it; the Metropolitan Commons Act, of 1866 was then passed, and we immediately took steps as the Board of Works in the district; but under that Act, the Metropolitan Board is the local authority, and although we are the parties chiefly interested, we could not stir a step, except by pushing the Metropolitan Board forward in every instance; and we were forced to get up all the information for the Metropolitan Board which we first should have required for ourselves.

1305. To whom do you allude, under the name of, "We, who were the parties mostly interested"?—The local district board; I am also clerk to the local district board of the Hackney district; they then stirred in the matter immediately that the Metropolis Commons Act passed, and presented a Memorial to the Metropolitan Board, who are the local authority under the Act. The Metropolitan Board, after obtaining all the information which they believed to be necessary, presented a scheme to the Inclosure Commissioners, under this Act, for dealing with the London Fields and the Hackney Downs; and are of opinion, that they could not at present go further. That scheme is before the Commissioners, and we have been met with the objection that these lands are not common lands, such as were intended to be dealt with by the Act, but are what are called lammas lands; that the Act never intended to provide for such a state of things as that, and there we are stopped at the present moment.

1306. Will you state to the Committee what are the rights of common over the London Fields, and the Hackney Downs?—I take it that they are rather derived from two different sources; with regard to the London Fields, a few years ago, the London Fields belonged to five or six separate freeholders; we have never been able to see their conveyances, and therefore, until we go into their title, we cannot exactly see what their title is; but at the present moment their rights have all been bought up, and have come into the hands of one individual, namely, Mr. Corbett, who is lately deceased, and who is represented by Messrs. Frere of Lincoln's Inn-fields.

1307. Were there any rights of common belonging to the inhabitants independently of the freeholder?—The freeholder held the land from May till August, namely, for four months in the year, which was called the close time; he could shut

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shut it up, or graze on it, and do anything that he liked with it. During the other eight months, which were called the open time, by some process or other, which nobody has ever been exactly able to explain, everybody seems to have had the right to rove over the land, and to do what he likes; but a few years ago, and before my time (I have heard of it), the land used to be valuable enough for the marsh drivers to allow a cowkeeper to put on a certain number of cows during the four months, and to receive 25 *l.* or 30 *l.* a year for it.

1308. During the open time is the common now greatly frequented by people?—It is very much frequented, both during the open and during the close time; it is impossible to close it; it is impossible to say that it is worth anything for herbage, or anything at all; it is the run of the riff-raff and vagabonds at the east of London during the whole season, night and day.

1309. Games are played there?—There are the most dissolute practices imaginable; cockshies are put up, sticks are put up, and it is just like a common fair; on Sundays the scenes are something very dreadful; there are itinerant lecturers, not the ordinary itinerant respectable preachers, but people who get up discussions.

1310. Are refreshments sold there?—There are only small itinerant sellers of ginger beer, and cakes, and that sort of thing.

1311. Have the police any power of regulating the use of the ground?—Whenever there is any fair attempted there, of course the police have to give certain preliminary notices, which notices take so long a time before they can be of any avail, that the fair is held, and swept off, before the police can do anything; we have tried that; I, as a lawyer, have had my attention directed to this particular point; it is of no use bringing an action of trespass against these rascals who go on the field, and if a respectable person tried it, it would take so long a time that it would not be worth doing.

1312. Practically are many fairs held there?—No, there have not been many lately; one was held about six years ago; the police then, somehow or other, stopped it.

1313. But you say that the games which ordinarily take place rather resemble what takes place at a fair?—Yes.

1314. Colonel *Barttelot.*] Can you point out where these fields are?—(*The Witness pointed out the same.*) It is the nearest open space on that side of London to the City.

1315. *Chairman.*] When the District Board of Works were preparing to obtain a Bill relating to the London Fields, will you state the objects and views which the District Board of Works had in view?—Their great object first, was to get the fields into a better state, and to keep them for a more respectable class of society than that by which they are now used; and the second object was to make it more of a park, so as to preclude the disreputable and lower orders from using it; they always found a difficulty there; they did not intend to shut it up merely as a park, and to exclude all games, and everything of that sort, but they wanted to keep the worst portion of the lower class out of it; in a somewhat similar way to what has been done at Kennington Common.

1316. Was there any intention of excluding the public from free access to the ground?—No, it was rather intended to keep it open, except at nights; that is to say, to keep open the paths at night, but to keep the inclosure closed at night if possible.

1317. And they desired to have an authority which might set the police in motion for preserving decency and good order?—Just so.

1318. Were the freehold rights in the London Fields put at the disposal of the District Board of Works?—No; they were attempted to be sold by auction, and I was directed to attend the sale; it was thought that they could be sold for a very large amount, but the auctioneer withdrew the sale, and they were not sold at that time.

1319. Mr. *Knight.*] Did they put a reserved price?—I do not know whether they had one or not.

1320. *Chairman.*] The District Board of Works do not in any way at present represent the freehold in the soil?—No.

1321. Was it contemplated to compensate those freehold rights?—Yes, *pro tanto*, whatever they might be worth. In these fields the first question seems to be, "What are you to pay?" and I have always told our vestry, and the people there, "You will have undoubtedly something to pay; you cannot expect to get these things without paying for them;" but the question is, how much; and my idea is that you might go before a jury, and get those rights limited to a a very small value; there can be no question that there is some value.

1322. You do not mean that the jury would not be free to form their own opinion of what the value was?—I think that the jury, after hearing evidence, should form their own opinion; I do not think that because a party says, "I gave 10,000 *l.* for this," it is worth 10,000 *l.*

1323. Your advice to the vestry was that they should afford to persons claiming rights in the soil the opportunity of having those rights assessed and determined by a jury as to their present value?—Yes, because I do not think that when you get the fields you can deal with them without having closed with all those parties. A party might start up, and say, "You cannot deal with my right;" and so on; and therefore you will have to get rid of them all. I have heard it said that it would be an advisable course to take possession of these fields subject to these rights, and to let them remain as they are; I must confess that I cannot see how you could deal with the ground without compensating the rights.

1324. You consider that the right must be small, since there is now no herbage upon the ground?—Yes, it appears to me that the right is a very small and valueless right: I have heard it said that a Chancery suit has been brought, and that a large sum of money has been given for it; but it is the opinion of some that two or three good lawsuits are bought at the same time.

1325. Was it the vestry or the District Board of Works who were preparing to take steps for getting these lands enclosed?—It was the vestry, because it was a parochial matter: the Board of Works rides over the other parishes as well; the marshes are very extensive, they are some 300 acres; there is a large extent of marshes by the side of the Lee.

1326. Have you the size of the Newington and the Clapton open spaces?—Clapton Common is nine and a quarter acres, Hackney Common is 30 acres, Stoke Newington Common is five and a half

a half acres, and the Downs are supposed to be 50 acres.

1327. The object of yourself and of those whom you represent, being to arrange that the London Fields might still serve the purpose which they at present serve, but with order and regularity, and proper enforcement of decent behaviour, are you desirous that the London Fields and the Hackney Downs should be dealt with under the Metropolitan Commons Act of 1866?—Yes; the Metropolitan Board have already presented a scheme, which is based very materially upon what we have informed them, but we are stopped by the particular question to which I have alluded.

1328. Have you been stopped by the Commissioners doubting whether they had power to deal with those fields under their legislative powers?—Yes.

1329. Do you think that it would be desirable that those doubts should be cleared up, and that the Inclosure Commissioners should clearly have a power to deal with this open space?—We wish Parliament to settle the matter, as there are doubts upon it; some lawyers say that the words would carry lammas lands.

1330. Mr. *Knatchbull-Hugessen.*] If I understand you rightly, your object is not so much to get an extension of this Act, as to get such an amendment of it as shall without doubt include you within its operation?—Locally, that is the case.

1331. I am speaking of the lands upon which you are giving evidence?—Yes, as regards these particular lands; I have not turned my attention to the question which you have before you, namely, whether it is desirable to extend the area to 25 miles, or not.

1332. Are all these Lammas lands which you have mentioned in different places, subject to the same rights?—They have always been considered as subject to the rights of the marsh drivers, who have always at certain times of the year dealt with the whole of those lands; they have marked the cattle, and have taken a toll for the cattle going on. I do not know whether all the commons are exactly held under the same titles, but the practice has been to deal with them in the same way.

1333. Have you yourself known them long?—I have known them for some 20 years.

1334. Is there any lord of the manor?—Mr. Tyssen Amhurst is the lord of the manor.

1335. Has he, or have the other persons who have common rights in these lands, ever attempted to proceed under the old Inclosure Act?—I have not heard that they have; I have never known within my time of their proceeding under it.

1336. Was there anything to prevent their doing so?—Yes; I think that the ordinary rights of the public would have precluded them from dealing with the land at the open time.

1337. You think that the Inclosure Commissioners would have made an objection, if persons having rights to a certain extent in these commons had made the formal application prescribed by the Act of 1845?—I hardly think that that Act was applicable to these particular lands inclosed in that way; I think that it would not be applicable, say, in Epping Forest, and places in which they have largely inclosed the lands.

1338. Are you acquainted with the provisions of the Act of 1845?—Not sufficiently to speak to that particular point.

1339. At all events, there has been no application, and no steps have been taken?—I think not; I have not heard of any, and I think that I should have heard of them if they had been taken.

1340. Has a scheme under the present Act been proposed by the persons having rights, or by some external authority?—There are two concurrent schemes at the present time; one was promoted by some gentlemen who got up the scheme, and the other was promoted by the authorities; both, I believe, are stopped.

1341. Are the commons now under no sort of regulation?—None at all.

1342. I suppose that if it was shown to you, that under the General Inclosure Act there were powers to deal with, and to place under proper regulation, these sort of lands, you would have no personal preference for this Bill over the General Act, so long as your object was obtained?—If we found that there was no other machinery for accomplishing the same object we should willingly avail ourselves of it.

1343. It has been proved that the Inclosure Commissioners think that under the Metropolitan Commons Act of 1866, they cannot deal with these lands; but it has not been proved that they consider that prior to the Act of 1866 they could not have dealt with them under the General Inclosure Act?—Prior to 1866 I fancy that the inclosure would have been for the benefit of individuals who inclosed; we wish to get an inclosure for the benefit of the outsiders; I may be wrong in my view, but I have always considered those Inclosure Acts to be for the benefit of the inclosers.

1344. Under the Act of 1845, would not wide powers have existed on the part of the Inclosure Commissioners to set aside ground for recreation, and to give public allotments to the poor?—Yes, if they had been able to allot the whole of it; but they would perhaps slice off portions, and allot those portions to the public in exchange for what they gave up to be inclosed for other purposes.

1345. You do not think that any legislation with regard to these commons would be satisfactory which did not in some way or other specially extinguish the rights of common, and appropriate the whole of the common to the use of the public?—I do not think that we could spare very much to be given up.

1346. You think that it would be right that the power should be given to go before a jury, and that they should decide the rights; that is to say, that they should judge of what was a fair compensation to be given to those who had established their claim to such rights?—I think that that would be a fair and equitable mode of proceeding; I think that you must do so.

1347. Do you find any such power given in the Metropolitan Commons Act of 1866?—I fancy that the Lands Clauses Act could be made use of in that respect.

1348. What is the clause in the Act of 1866?—The 15th.

1349. Do you know whether that has been done in any instance under this Act?—I am not aware of any instance of it.

1350. Do you know whether, on the part of those persons who have, or who claim to have, rights of common, there is a feeling of security with regard to this 15th clause providing com-

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pensation to them?—Previously to the passing of this Act, I and Mr. Cheston, the Steward of the manor of Mr. Tyssen Amhurst, were examined upon this question, and the evidence which was given was, that he would be willing to meet the matters fairly; but that he did expect something there is no doubt.

1351. Do you think that he feels that this clause 15 gives sufficient security for compensation?—I do not know what his ideas are; I fancy that if a person once establishes his right, that clause is sufficient to give him a right to go before a jury.

1352. If the parties had doubts upon the subject, it might prevent their concurring in any scheme, might it not?—Probably it would do so.

1353. And if the owners, and those having property in commons within the metropolitan district, did not concur in the scheme it would practically render null and void the provisions of this Act, would it not?—I do not exactly take it in that way; I think that the Commissioner would have power to hear all sides, and that he then must determine.

1354. Is it not necessary that the memorial for a scheme as to a common should be presented by the lord of the manor, or by the commoners, or by the local authority?—Yes.

1355. If the lord of the manor and the commoners did not think that they were secure of receiving compensation, and did not present a memorial, it would rest entirely with the local authority, would it not?—Either one of the three parties having presented a scheme, I take it that the other two of course would be heard, but that if the Commissioners thought that they could not bar that place, they would not give their consent.

1356. Do you think that it would be well to give to other individuals than the three bodies who are here referred to, the power to initiate a scheme; I mean the general public?—That would very materially depend upon the parties on whom you placed the expense afterwards; the question of expense was one question with us; I always suggested that it would be a very good thing to go to the Metropolitan Board, because we should have had it paid for out of the metropolitan fund of the metropolis generally. If you are going to make it paid for locally, there is no reason why a local body should not have a right to ask for it.

1357. When you say that this is a resort of all the riff-raff at the east end of London, I suppose that they are not all riff-raff who go there, are they?—The paths are kept by the respectable portion of society, because it is a direct thoroughfare; but the fields themselves are very badly used.

1358. What do you suppose will become of this riff-raff, if you shut them out of the fields?—I would not propose to shut them out entirely, but I would propose to have them under supervision.

1359. How far is this land from Victoria Park?—About half a mile.

1360. Do all these lands lie pretty close together?—No, they are very largely apart.

1361. Are they all near Victoria Park?—Hackney Common is the only one which is close to Victoria Park; Clapton Common is about two and a-half miles from it; Newington Common is some three miles distant, and the Marshes are perhaps a mile off in some parts.

1362. Is Newington Common a place which is near any park, where these riff-raff could go, if they were excluded from these fields?—Yes, they would have to go a little further from the centre of London to get there.

1363. But even if people are riff-raff, I suppose that you would not exclude them from fresh air?—Certainly not; I do not use that term offensively.

1364. Do you think that the provisions of this Act, if they were made applicable to these particular lands, would be satisfactory to the inhabitants?—I think so; we propose to insert certain words which should include lammas lands, and also such words as would include those parts which are open for less than a year; it has been said, that this Act does not apply to those places which are closed for a part of the year.

1365. Have you the words drawn which you would suggest?—These are the suggestions of the vestry:

[*The Witness delivered in the following Paper:*—]

At a Special Meeting of the Vestry of the Parish of St. John at Hackney, held at the Town Hall, Hackney, on Monday, the 14th day of June 1869, Mr. Churchwarden *Russell* in the Chair.

Read Report of Parliamentary Committee, appointed by a Special Resolution of the Vestry, held on the 4th instant, to watch the progress of any Parliamentary measures affecting the Poor Laws, or other matters of parochial or municipal interest.

It was moved by Mr. *W. Green*, seconded by Mr. *Muscutt*, and Resolved—"That the Report be adopted so far as relates to the Bill to amend the Metropolitan Commons Act, 1866, viz.:—

> "That, in clause 2, line 10, after the word 'for' omit '*not less than*,' and insert 'any portion of a year during the;' and that the following addition be made, 'and the word *common* shall be taken to include all lammas land.'"

1366. What does the proposed scheme do with regard to Newington Common?—We have not, at present, embraced Newington Common. Under the advice of the solicitor of the Metropolitan Board, we thought that it would be quite sufficient to deal with two large places at one time.

1367. You have said that Newington Common is the farthest from any park?—Yes.

1368. I suppose that no scheme is to be proposed which will inclose Newington Common in any way?—No, we do not propose to inclose any part of it.

1369. Those persons whom you represent wish to maintain these commons as open spaces, but under proper regulations?—Yes.

1370. And, with the amendments which you propose, you think that this Bill would be applicable to, and would be beneficial to, the community residing around the commons of which you speak?—I think so.

1371. Mr. *Bonham-Carter.*] I understood you to say that, before the passing of the Metropolitan Commons Act, you gave Parliamentary notices on behalf of the vestry?—Yes.

1372. Was a Bill drawn?—No, there were merely the notices and the plans lodged.

1373. Were those notices to the public in the "Gazette," or were they notices to the parties?—They were in the morning papers, and in the "Gazette."

1374. They were the ordinary preliminary notices?—Yes; they were no further than that; the second step, of giving notices to individuals, was not taken.

1375. Did

1375. Did you, without having given the notices, go into the question of who were the persons to whom the notices should be given?—Yes.

1376. Was the difficulty of finding out who those parties were, in any way, the ground for dropping the scheme?—No.

1377. So that, subject to rights which might have appeared afterwards, you were generally aware who the persons upon whom notices would be served were?—I think so; I think that we should have been prepared to go on with that question. We should have served what notices we might have been advised to serve.

1378. Can you tell us at all who those persons were; I do not mean by name, but generally?—Dealing with the London Fields, I should have first considered that there was the absolute freeholder itself, that is to say, Mr. Corbett, or his representatives. Then, there is the lord of the manor if he has any rights, and I should serve the lord of the manor under advice as representing the Court Baron. I should not have thought of serving each copyholder.

1379. When you were going into the scheme, was it supposed that the copyholders had actual rights in the common?—I have seen the court rolls; the Court Baron at one particular time threw it open to all parties occupying property of 10 *l.* a-year.

1380. So that, in fact, there were the lord, and a certain limited number of freeholders and of copyholders, who might be supposed to have definite rights?—Yes, and their tenants.

1381. That is to say, in respect of those copyholds?—Yes.

1382. Was there a very large number of copyholders?—I expect so.

1383. The freeholders, I apprehend, had the right for certain months of the year?—Yes, for four months of the year.

1384. And the exercise of the right of the copyholders accrued after the four months?—Yes, in the eight months.

1385. I understand you to say that the herbage of the common is let?—I think that I can give you a practical illustration; some 30 years ago the freeholders of Hackney Downs sowed their wheat, and the day arrived at which it ought to have been cleared off, and it was not cleared off, and the commoners put on their cattle who ate it off; there was a great noise about it, and there were actions about it.

1386. Were those actions compromised?—They were never carried through.

1387. You have mentioned marsh drivers?—Yes.

1388. Did those marsh drivers exercise authority over the whole of these commons?—As far as I have knowledge, I think that they did; I have never entered into the secrets of what they have been doing, but it is the general impression that they marked every head of cattle which went on to this common.

1389. They were officials of the lord?—Yes, appointed by the homage.

1390. Did you ever attend a homage yourself?—No.

1391. I have understood you to say that, with the consent of the homage, the rights were at one time let for something like 25 *l.*?—The London Fields used to produce that amount, and the Downs would have produced that sum years ago for the purpose of feeding cows during the time.

1392. The copyholders having the right of pasturage during the eight months, do they attend the homage?—I do not know; it was always a very close court.

1393. I understood you to say that the copyholders had rights of pasturage?—Yes; and there was a special resolution of the homage passed, throwing it open to all copyholders, and all tenants occupying to an amount of 10 *l.* a year in the manor.

1394. Then how did it happen that there was a letting?—That was for the four months.

1395. On the part of the freeholders?—Yes.

1396. The separate right of user for the four months was let on the part of the freeholder, and his rights were protected by marsh drivers?—I presume that they protected them; I presume that they would be the parties. I do not know how they did it.

1397. Am I to understand you that all these freehold rights are vested in one person, namely, Mr. Corbett?—Yes, with reference to the London Fields.

1398. So that as far as the London Fields are concerned, the rights for the four months are now in the hands of two persons, namely, the lord and Mr. Corbett; the lord has certain rights?—He asserts that he has a certain right over the brick-earth.

1399. Whatever rights the lord has still exists in him; he has done nothing to divest himself of those rights, has he?—I have never heard that Mr. Tyssen Amhurst has done anything to divest himself of the rights which he has in that manor, but I do not like to say that in the London Fields Mr. Tyssen Amhurst has any rights.

1400. Should you have served him with notice?—I think so, for safety.

1401. You say that at present the herbage is worth nothing?—It is perfectly worthless for the 12 months of the year.

1402. I understand you to say, that you recollect the time when there were definite rights which were worth money?—I recollect the time when a cowkeeper could have put a few cows on there, but he could not do so now.

1403. You have also said that the respectable part of the inhabitants generally keep to the paths?—Yes.

1404. Then, is it not a fair conclusion that it is by the inroad of the riff-raff, as you call them, who of course must exist in London, that the rights of the commoners, whatever they are, have been infringed upon, and rendered valueless?—Yes; it is by the constant running over the field that the herbage has been destroyed.

1405. I understand that what you would wish is, that whatever rights there are should be all fairly considered, but that the scenes which now occur should be put an end to?—I think that that is the fair way of looking at it.

1406. I think that you say that the steward, on behalf of the lord, expressed his willingness to have an arrangement come to?—Yes; that was the evidence of Mr. Cheston; he said that the lord had certain rights.

1407. Would it be possible to make a scheme by voluntary arrangement?—I think not; I have tried Mr. Cheston, but we can get at nothing definite.

1408. Did he object to selling this belt of land, which you proposed as one of the modes of dealing

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ing with the matter?—He never would explain himself as to what would be his ultimate decision.

1409. Was the sale of that belt of land limited to one of these commons?—It only applied to the London Fields.

1410. At present the London Fields, I think, are nearly surrounded with houses?—They are nearly surrounded by houses; on one side by Shoreditch, on another side by Bethnal Green, and on another side by Hackney.

1411. Would there be any difficulty from the inhabitants of those houses, supposing that you built in front of them?—They themselves caused the difficulty; they said that they did not want their extended view closed.

1412. In your opinion, do those houses let at a higher rent in consequence of having the London Fields in front of them?—I think that they would do so, if the London Fields were in a decent state, but they are in such a bad state, that I think that it is rather detrimental to the lettings.

1413. You would not propose in any scheme to close any of these commons?—Not entirely to close them.

1414. But you said that a part of the scheme was to regulate the enjoyment, particularly in the case of persons who came on at night?—I would close them at night, and only keep the paths open.

1415. Then you would fence them?—Yes.

1416. And would appoint constables?—Yes; but I would leave them open for cricket, and trap-ball, and enjoyments of that sort.

1417. Mr. *Johnston.*] Has a portion of the London Fields been already built over?—That is a moot point which I would not like to answer, as to whether it is legally built over; a space of ground is partially built over, which it is said has been taken from the London Fields.

1418. Has your vestry, or anybody else, taken any steps against those people who are supposed to have illegally appropriated that part of the fields?—The vestry have gone as far as they could, but they have no authority *qua* the vestry to do it.

1419. I suppose that unless something is done, that building will continue to extend itself?—I do not see that; I do not see that there can be any more buildings.

1420. Why should not building continue for the same reason as that for which it has been begun, if no one should interrupt it?—Because the building which has been spoken of is in a space which has been inclosed for a very great number of years, and there may or not be a title to it; the other part is as open as can be, and the moment that anybody touched it, it would be resisted.

1421. Are you aware that the London Fields are a most valuable drill ground, being the nearest open space accessible to several large regiments of volunteers?—The militia and the police drill there, but I do not know that any of the volunteers go down there.

1422. You are not aware that the 1st Tower Hamlets Volunteers drill there?—I was not aware of it; it may be so.

1423. Colonel *Barttelot.*] Do you happen to know whether within the metropolitan area, that is to say, within the police district, there are many Lammas lands?—I cannot speak with certainty of other commons, but I have generally heard it asserted that the Hackney lands are the principal of the Lammas lands round London, and that it is not generally known where the other Lammas lands are.

1424. Then so far as you know, these are the only Lammas lands within a short distance of the metropolis?—Yes.

1425. All these lands, I think, are not Lammas lands?—There is a difference in the holding between some of them; in the Hackney Downs, for instance, I believe that in addition to the lord having a right over them as lord, he has strips which are his own freehold.

1426. That is not Lammas land; there is no doubt that the London Fields are Lammas land?—I think that there is no doubt of it.

1427. And you have very fairly said that in order to deal with those rights, you ought to have a special power to make some compensation to the owners?—I have no particular wish to benefit the owners, but I do not see how it can be done otherwise: I do not see how you can do it without compensating everybody, and therefore I say that, justly and equitably, you should pay every one, whatever his right may be.

1428. Would not it be a great advantage to that part of the metropolis?—Undoubtedly.

1429. And therefore you think that it would be no hardship upon that part of the metropolis fairly to pay what was owing to these people for their rights?—Yes, if they could establish them.

1430. All that you would wish to do would perhaps be, that, with regard to the Lammas lands in that particular district, you would desire to have some special Act?—I think that the proposed Bill might be so modified that we could come under it, and be assisted materially by it, without having a special Act for ourselves.

1431. Do you not think that the difficulty would be, that whereas in some of the other Lammas lands it would be a great hardship upon the owners; in the Lammas lands which you have named the hardship would not be so great?—I cannot conceive that there would be much more hardship to them than if a railway company compelled them to give up their rights. A railway across the Downs has already taken possession of some of the land, and has paid somebody.

1432. In the case of a railway company taking the rights, they pay full compensation?—Such as is awarded.

1433. And, generally speaking, that is very large?—It all depends who is on the opposite side to cut it down.

1434. Taking it in the ordinary way, that case would hardly apply to you, would it?—I would let any person who thought he had a right come in and be heard, and I would dispose of the question of value, and I think that the value would be so small that we should get it for very little.

1435. Supposing that there were any Lammas lands situated at a greater distance than these from London, they would not be of the same advantage to the metropolis?—No; the nearer they are to the heart of the metropolis, of course, the more valuable they become to the public to get hold of.

1436. It would not be fair to introduce into this Act of Parliament the doing away with the rights of Lammas lands, simply to secure the Hackney Fields?—Not simply to secure the Hackney Fields. As you get further out, I think

hink that the Lammas lands would be a little ore valuable, but nearer to London they are etting not to be so valuable; and I fancy that he owners of Lammas rights in London would ot have the same value as the owner of Lammas ghts 30 miles from London.

1437. Therefore it would be unfair to extend hat right beyond those fields?—I would extend ; but the other man, perhaps, would get the dvantage of being paid better, because he ould get a more valuable piece of land.

1438. Do you know whether these metropo- tan commons are much frequented?—Our arshes in the dry weather are very much requented; they are the only open spaces etween Victoria Park and the Forest; parties o across there to Lea Bridge on the Sunday fternoon; they are very largely frequented.

1439. Are there any other uninclosed com- ons in that neigbourhood in Essex?—Not near s.

1440. Do you know anything of the Surrey ommons?—No.

1441. You know nothing of any commons on he south side of the river?—No.

1442. Then you are not able to state whether he present area of the Metropolitan Police Dis- rict is sufficient for the accommodation of the ondon public, or not?—On our side of Lon- on we are very much curtailed for open spaces ; xcepting these open spaces, we have only Vic- oria Park and Finsbury Park, which will be hortly opened; but between those two parks we ave nothing at all open to the public, except hese commons which are getting into a very bad tate.

1443. Mr. *Winn.*] You say that Lammas ands near London are of less value than they sed to be formerly?—Yes.

1444. That is from the riff-raff using them a reat deal more than they used to do?—I think hat that is one of the incidents of being near he interior of a large city.

1445. The riff-raff run over these lands, and lestroy the herbage?—Yes; they are the nearest ields for them to get at, and they go to the earest place.

1446. And you would like to regulate the en- oyment of this land by sending the riff-raff urther off, and leaving the land to be used by he more respectable inhabitants?—No; I would ot exactly do that; I think that if these fields were better kept, and preserved, and if there were some conservancy over them, the population would be educated into a little better mode of using them.

1447. You have said that you think that that would have the effect of sending them rather urther off?—Yes, as respects the particular parts which I speak of. A very great deal of immo- ality is going on upon those fields night and lay.

1448. Is it not the very mode in which that and is used by those classes which has made it f less value than it used to be, and has in a great measure established the right of the public o it?—It is partly their mode of using it, but he principal thing is the cutting up of the her- bage which has prevented the letting.

1449. That has been done by these very people?—Yes.

1450. They having gained this right, what you are now wanting is to exclude them by re- gulations which you propose making?—It is the object of everybody to get rid of a nuisance, as far as he possibly can.

1451. But you want to make use of what these people have done for you, in order to get the land at a reduced value from the people who originally had the ownership of it?—In paying for it I should make use of the argument that it had been so valueless for many years, that it would not be worth while asking much for it.

1452. You say that you would have a jury to assess the value?—Yes.

1453. You say that in some cases a considerably larger value has been given for some of these rights than they are now worth?—I have heard that these fields were bought for a very large amount of money, and with the idea of having one or two lawsuits at the end of it.

1454. Bought by whom?—By the freeholders.

1455. What was the reason they gave this large sum?—I do not know; they might have been advised to purchase them.

1456. Was it not some speculative value which they put upon them?—In my idea, from what I have heard, it was a speculative value. I have heard that some 6,000 *l.* or 7,000 *l.* has been given for them.

1457. Was that a speculative value for build- ing purposes?—I do not know what the ultimate object was.

1458. You think that it would be fair, notwith- standing their having bought this land at a specu- lative value, that they should only have their rights as they now are, valued by a jury?—I do not think that it would be right to allow that speculative price which they have given, to be an element in the consideration of the value.

1459. I understand you to say that in your opinion the jury should value the land at its pre- sent value?—Yes.

1460. *Chairman.*] Supposing that the persons who are now guilty of improper conduct on the London Fields, were removed by police regula- tions, would there remain still a very large quantity of persons ordinarily frequenting them who do not come there for the purpose of im- proper and indecent conduct?—I think that there is a very large class surrounding that neighbour- hood, to whom it would be a great boon to have that ground cleared of the parties who, least of all, would allow them to use it in a decent manner.

1461. Then is your complaint restricted to the manner in which the London Fields are used, and not to the number of people who come upon them?—I fancy that there would be more people on them if they were in a better state.

1462. Supposing that these London Fields were brought under the operation of the Metro- politan Commons Act, would not the parties claiming rights in them, have the same oppor- tunities of having their rights ascertained, which persons whose land is taken by railway companies have; or in other words, would not the Lands Clauses Consolidation Act and the Lands Clauses Consolidation Acts Amendment Act apply in this case, as they do in the case of rail- ways?—When I saw the Act of 1866 passed, my idea was, that when the parties had established a right, they could have it decided in the same way as if a railway company dealt with the land.

1463. You find that in the 15th clause of the Act of 1866?—Yes.

1464. Do you also find there that no right of a profitable, or beneficial nature, affecting a

Mr R. Ellis. 15 July 1869.

common, is to be taken away without the consent of the party, unless compensation is given in the way which you have mentioned?—Yes, I think that that is the meaning of it.

1465. Have you, therefore, any doubts that persons claiming rights of a beneficial character in the London Fields would have the same opportunities of making out their claim to compensation as persons interested in railways have?—I think that they would under this section.

1466. You have stated that occupiers of houses of the value of 10 *l.* and upwards, have rights during the open months; will you state the limit of area in which the occupiers of such houses have the rights; is the limit the manor?—I believe that it is the manor.

1467. Is the manor as extensive as the parish?—There are three different holdings in that manor, but I think that the three holdings together are as extensive as the parish.

1468. Would the occupiers of such houses of a rental of 10 *l.*, be a very large number of persons?—No, not with us.

1469. Mr. *Bonham-Carter.*] I think that you stated, in answer to Mr. Winn, that the classes who frequented that common had rendered it valueless; did you consider the rights which would have to be compensated when you drew your scheme; did you propose in any way to recognise as a right the user by these people?—We proposed to ask Parliament to extinguish those rights upon this ground, that inasmuch as we were the parish itself going to Parliament, we were asking for the benefit of that particular parish, to extinguish those rights which had become worthless.

1470. Did you apprehend that the inhabitants of the parish, as inhabitants, irrespectively of being copyholders, had established any right of user over the common?—We always understood that the inhabitants had a right to put on their cattle in years gone by.

1471. As copyholders?—As copyholders, and the order of the homage to which I have referred threw it open to all parties and their tenants, so that it embraced almost every person in the place.

1472. Did you admit, in any way, that the public, namely, the riff-raff, who you say have principally destroyed the herbage, had acquired as a right?—Not as a lawyer.

1473. But practically it was done?—Yes.

1474. In your opinion they had not acquired a right, but had rendered the herbage valueless?—Yes; they had rendered it so valueless, that it was not worth while to put up barriers against them.

1475. *Chairman.*] Then you mean the Committee to understand that although the ordinary frequenters of these London Fields have not in that way a legal right, they have had such a user, that in their uninstructed minds they might consider that they had a right?—I take it that if any one attempted to shut out the public from the London Fields there would be a great noise, and the police would be required to be called in on a Sunday morning.

1476. Mr. *Knatchbull-Hugessen.*] I suppose that even an uninstructed mind, if it inhabited a body which had roved over these commons for 20 years, might imagine that it had a right?—Yes.

1477. Mr. *Johnston.*] Would it not be much better simply to reserve all rights as regards this open space?—Yes, if you could do so, but I confess that I cannot see how you could do so.

1478. Are you not aware that the only scheme which has been carried out under the Act of 1866, has been carried out in that way?—No.

1479. You have not studied that matter?—No.

1480. What would be the harm of reserving these rights of pasture, or growing crops, or whatever they are?—Supposing that you reserved to Mr. Corbett all those rights, those rights are pasturage for four months in the year, and supposing that the conservator put the place in decent order, and put up the fences very nicely, when the four months arrived he would naturally say, "I will do as I like with the fields;" when those four months had expired, the people having the rights of the eight months would say, "Why have you put up a fence here, and a gate there?"

1481. But you might have gates, and a gate would do no harm?—But the moment that you limit another person's rights, he says, "I will deal with it as I like."

1482. I would not limit his rights?—I have considered that scheme, but I do not see how it is possible to carry it out.

1483. Colonel *Barttelot.*] It would be utterly impossible to maintain the rights belonging to those gentlemen if you said that you guaranteed them their rights, would it not?—I do not see how you could maintain them; I think that it would be utterly impossible; other parties with wiser heads than my own have stated that it is possible to do it, but I confess that I cannot see it.

1484. And therefore the only practicable course is fairly to compensate the parties for those rights which they possess?—Yes, fairly on both sides.

1485. Mr. *Knight.*] Is it your opinion that clause 15 of the Act of 1866 governs, or should govern, the whole of the schemes made under that Act, namely, that the public should not take to a common under a scheme by this Act without first compensating the rights under the Lands Clauses Consolidation Act?—I think that whoever took up the scheme should take it up as a whole, and should have the sole proprietorship of it for the benefit of the public, and should exclude everybody else who had any rights at all in it.

SPECIAL

REPORT

FROM THE

SELECT COMMITTEE

ON

METROPOLITAN COMMONS ACT (1866) AMENDMENT BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed,*
19 *July* 1869.

[*Price* 1*s.*]

333.

Under 12 *oz.*

REPORT

FROM THE

SELECT COMMITTEE

ON

CONTAGIOUS DISEASES ACT (1866);

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
8 *July* 1869.

306.

Thursday, 13*th May* 1869.

Ordered, That a Select Committee be appointed to inquire into the working of the Contagious Diseases Act, 1866, and to consider whether, and how far, and under what conditions, it may be expedient to extend its operation.

Friday, 8*th June* 1869.

Ordered, That the Select Committee on the Contagious Diseases Act, 1866, do consist of Twenty-one Members.

Committee nominated of—

Mr. Childers.
Sir John Pakington.
Captain Vivian.
Marquis of Hamilton.
Mr. Donald Dalrymple (Bath).
Mr. Percy Wyndham.
Mr. Kinnaird.
Mr. Collins.
Sir John Simeon.
Mr. James Lowther (York).
Mr. Rathbone.
Lord Eustace Cecil.
Lord Charles Bruce.
Sir James Elphinstone.
Mr. Murphy.
Mr. Tipping.
Dr. Brewer.
Mr. Mills.
Captain Grosvenor.
Sir John Trelawny.
Mr. Mitford.

Ordered, That the Committee have power to send for Persons, Papers, and Records.

Ordered, That Five be the Quorum of the Committee.

Thursday, 8*th July* 1869.

Ordered, That the Committee have power to Report their Observations, together with the Minutes of Evidence taken before them, to The House.

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MINUTES OF EVIDENCE - - - - - - - p. 1
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REPORT.

THE SELECT COMMITTEE appointed to inquire into the working of The Contagious Diseases Act 1866, and to consider whether, and how far and under what conditions, it may be expedient to extend its operation;——Have considered the matters to them referred, and have agreed to the following REPORT:

The question of whether it would or would not be advisable to extend the operation of The Contagious Diseases Act (1866) to the whole population, is one which involves considerations of such magnitude, both social and economic, and would necessitate an inquiry so lengthened and so elaborate, that your Committee have thought they should best perform their duty by not entering on so large a field at so late a period of the present Session.

They understand that, in moving for the Committee, Her Majesty's Government were not prepared, and had no intention, to enter into the consideration of this question in the present year.

Your Committee have therefore confined their investigation, for the present—

1st. To the operation of the Act in those districts to which it has been already applied.

2nd. To the alterations which may be necessary to secure more satisfactory results.

3rd. To its further extension for military and naval purposes to districts not now included within its Schedules.

I.—The Operation of the Act.

Although the Act has only been in operation two years and a-half, and at some stations only seven months, strong testimony is borne to the benefits, both in a moral and sanitary point of view, which have already resulted from it.

Prostitution appears to have diminished, its worst features to have been softened, and its physical evils abated.

II.—Defects in the Act.

1. In certain military districts the limit of five miles, imposed by the present law, appears to be insufficient. Testimony is borne to the fact that women reside just outside this limit to escape the operation of the Act, and strong representations have been made by some of the witnesses as to the necessity of extension. Your Committee are of opinion that the limit may with safety and advantage be extended, in military districts where it is found necessary to do so, to a distance of not more than fifteen miles, which is the limit of the powers of the Metropolitan police in other respects.

2. The 17th section provides for the voluntary submission by women to medical examination, but does not give sufficient power to secure their continued obedience to the requirements contemplated by the 19th section. To remedy this, your Committee recommend that the notices of visiting surgeons shall have

the effect of a warrant, which shall be an authority to the police to apprehend a woman refusing to appear on the day appointed.

Power should also be given to the visiting surgeon to order the detention of women who are not in a condition to be examined when they present themselves, but with regard to whom there is suspicion that they are diseased.

3. The evidence seems to point to the necessity for extending the limitation of detention, under Section 24, from six to nine months.

4. It has been shown that the certificates given under the Act on discharge from hospital are sometimes improperly used, and often change hands.

Your Committee therefore recommend that the certificate on discharge shall in future remain in the hands of the inspector of police.

5. An important modification of the Act is suggested by what appears in evidence, viz., that in the first four months of this year, out of 700 women of ill fame in Devonport, 41 were undoubtedly restored to a virtuous life by the direct and indirect influence of the Act, and 29 more left the district.

It appears that many of these women would object to apply to a justice in open court for a discharge from attendance, but would feel no such objection to be discharged by the medical officer under whose care they had been. Your Committee therefore propose to modify Clause 33, by omitting the last half after the words "certified hospital," in order to insert a provision that a woman applying for relief from detention and examination might make application on that behalf to the visiting surgeon, who, on ascertaining, through the inspector of police, that she had abandoned a life of prostitution, might, if he saw good reason, order her release from further attendance; such order to be equivalent to one issued by a justice. Notice of such release should be sent to the justices under whose order or notice she was examined.

6. Three cases presenting some difficulty have arisen during this inquiry:

The first is the case of pregnant women diseased. While no distinction is made by the Act between these and other women who present themselves for examination, it appears that it is the general practice, from presumed want of hospital accommodation, to refuse them treatment, and to discharge them at once, whatever their condition may be. Your Committee are of opinion that this distinction should not be made, and that if such women are likely to be brought to bed during their necessary detention, arrangements should be made for their confinement in the hospital.

The second case is that of children who, at the instigation or connivance of their parents, have become prostitutes, and are diseased. Your Committee recommend that legislative provision should be made for sending such children to an industrial school, or some other suitable institution, at the charge in part or wholly of their parents.

The third case to be considered is, as to what extent, and under what restrictions soldiers, should be periodically examined, as it is not to be doubted that undetected disease does exist and is propagated.

Whilst it would be unadvisable to subject non-commissioned officers and married men of good character to such examination, it appears not unreasonable that, for the general good of the service, other soldiers should be periodically examined; and your Committee have reason to suppose that such a system, properly conducted, would not prejudice the Service.

The expense entailed on the country by extensive disease among the troops, the injury inflicted morally and physically upon the men, seem to point to the urgent necessity which exists for adopting every possible means to arrest the spread of this contagion, no less than its duration. Your Committee have not taken professional evidence as to the practicability of extending such a system of periodical examination to the Navy, but they recommend that it should be considered by the Admiralty.

Your Committee have received evidence as to the prevalence of disease at Aldershot, spread not only by the common prostitutes who resort to the camp, but by women brought to it from considerable distances by tramps, who live on the earnings of these women. It is possible that this evil exists at other camps. It would be, in the opinion of your Committee, desirable to meet this by special penal legislation.

III.—Additional Places.

Your Committee recommend that in addition to the power of extending the operation of the Act at Military Stations to a distance of fifteen miles instead of five miles, the following Places should be added to those now scheduled in the Acts.

Names of Places.	Limits of Places.
Gravesend -	The Limits of the Parishes of— Gravesend. Milton. Northfleet. Denton. Chalk.
Maidstone - -	The Limits of the Parishes of— Maidstone. Barming. East Farleigh. Loose. Booghton-mon-Chelsea. Allington, and the Hamlet of Tovil.
Winchester -	The Limits of the Parliamentary Borough of Winchester.
Dover - -	The Limits of the Parishes of— Buckland. Charlton. Hougham. St. Mary's. St. James's. Eastcliff (extra-parochial). Guston.
Walmer and Deal	The Limits of the Parishes of— Walmer. Deal. Sholden. Monyeham. Ringwold. Ripple.
Canterbury -	The Limits of the following Parishes or Ecclesiastical Districts, namely— St. Andrew. All Saints. St. Alphage. St. Mary Bradin. St. Mary Bredman. St. George-the-Martyr. St. Mary Magdalen. St. Margaret. St. Mildred. St. Mary Northgate. St. Paul. St. Peter. The Archbishop's Palace. St. Dunstan. Christ Church. St. Gregory. Staplegate. Westgate Within. Westgate Without. St. Augustine. Old Castle.
Colchester - -	St. Andrew's, Greenstead. Lexten.
Devonport - -	Ivy Bridge. Plympton. Dartmouth.
Portsmouth -	Southampton.
Woolwich - -	St. Paul. St. Nicholas. St. Alphage. Greenwich. Hamlet of Hatcham.
Windsor.	Datchet. Slough.

Your Committee would remark, in conclusion, that whilst, for the reasons stated at the commencement of their Report, they have confined their investigations to the object of securing greater efficiency in the treatment of these diseases at Military and Naval stations, they recommend that further inquiry, by a Committee appointed early in the next Session, should be instituted with the view of ascertaining whether it would be practicable to extend to the civil population the benefits of an Act which has already done so much to diminish prostitution, decrease disease, and reclaim the abandoned.

Your Committee have examined Mr. Simon, the medical officer of the Privy Council, as to the nature of the evidence which should be prepared before this question is referred to a Parliamentary Committee, and they recommend that his suggestions on this head should be adopted by Her Majesty's Government.

PROCEEDINGS OF THE COMMITTEE.

Friday, 18*th June* 1869.

MEMBERS PRESENT:

Dr. Brewer.	Mr. Murphy.
Lord Charles Bruce.	Sir John Pakington.
Lord Eustace Cecil.	Mr. Tipping.
Mr. Childers.	Sir John Trelawny.
Mr. Donald Dalrymple (Bath).	Captain Vivian.
Mr. Kinnaird.	Mr. Percy Wyndham.
Mr. Mills.	Marquis of Hamilton.
Mr. Mitford.	Sir James Elphinstone.

Mr. Childers was called to the Chair.

[Adjourned to Monday next, at Twelve o'clock.

Monday, 21*st June* 1869.

MEMBERS PRESENT:

Mr. CHILDERS in the Chair.

Lord C. Bruce.	Sir John Simeon.
Mr. Dalrymple (Bath).	Mr. Tipping.
Sir James Elphinstone.	Sir John Trelawny.
Marquis of Hamilton.	Captain Vivian.
Mr. Kinnaird.	Lord Eustace Cecil.
Mr. Mitford.	Dr. Brewer.
Sir John Pakington.	Captain Grosvenor.
Mr. Rathbone.	Mr. Murphy.

The Committee deliberated.

Captain *Vivian* was called to the Chair.

[Adjourned to Thursday next, at Twelve o'clock.

Thursday, 24*th June* 1869.

MEMBERS PRESENT:

Captain VIVIAN in the Chair.

Lord C. Bruce.	Mr. Murphy.
Sir John Simeon.	Mr. Dalrymple (Bath).
Marquis of Hamilton.	Mr. Childers.
Mr. Mitford.	Sir James Elphinstone.
Dr. Brewer.	Mr. Percy Wyndham.
Sir John Pakington.	Mr. Kinnaird.
Mr. Tipping.	Mr. Collins.

Dr. *W. H. Sloggett*, R.N., Dr. *Edward K. Parsons*, Dr. *Edward Swale*, and Dr. *Leonard*, were severally examined.

[Adjourned to Monday next, at Twelve o'clock.

Monday, 28th June 1869.

MEMBERS PRESENT:

Captain VIVIAN in the Chair.

Lord C. Bruce.	Lord Eustace Cecil.
Mr. Mills.	Mr. Dalrymple (Bath).
Mr. Mitford.	Mr. Lowther (York).
Mr. Murphy.	Dr. Brewer.
Mr. Kinnaird.	Mr. Collins.
Sir John Pakington.	

Dr. *John Coleman Barr*, Mr. *Aylmer Greene*, Mr. *Edward Waylen*, M.R.C.S., and Mr. *William Govett Romaine*, C.B., were severally examined.

[Adjourned to Thursday next, at Twelve o'clock.

Thursday, 1st July 1869.

MEMBERS PRESENT:

Captain VIVIAN in the Chair.

Sir John Trelawny.	Marquis of Hamilton.
Mr. Mills.	Mr. Lowther (York).
Mr. Mitford.	Sir John Pakington.
Sir James Elphinstone.	Mr. Kinnaird.
Dr. Brewer.	Lord C. Bruce.
Mr. Tipping.	Captain Grosvenor.
Mr. Dalrymple (Bath).	Mr. Collins.
Sir John Simeon.	

Mr. *John Smith*, Dr. *J. Graham Balfour*, and Dr. *John Simon*, were severally examined.

The Committee deliberated.

Motion made, and Question proposed, "That a Report, presented by Dr. Simon, be added to the Appendix."—Question put.—The Committee deliberated.

Ayes, 5.	Noes, 7.
Dr. Brewer.	Lord Charles Bruce.
Mr. Collins.	Mr. Dalrymple (Bath).
Mr. Kinnaird.	Captain Grosvenor.
Sir John Pakington.	Marquis of Hamilton.
Sir John Trelawny.	Mr. Mills.
	Mr. Mitford.
	Mr. Tipping.

[Adjourned to Monday next, at One o'clock.

Monday, 5th July 1869.

MEMBERS PRESENT:

Captain VIVIAN in the Chair.

Sir John Simeon.	Sir John Pakington.
Sir John Trelawny.	Mr. Lowther (York).
Marquis of Hamilton.	Mr. Tipping.
Lord Charles Bruce.	Mr. Dalrymple (Bath).
Mr. Mills.	Mr. Rathbone.
Mr. Mitford.	Captain Grosvenor.
Sir J. Elphinstone.	Lord Eustace Cecil.
Dr. Brewer.	Mr. Kinnaird.

The Committee deliberated.

Surgeon Major *J. Wyatt* and Mr. *Francis Mayall Mallalieu*, were severally examined.

[Adjourned to Thursday next, at One o'clock.

Thursday, 8th July 1869.

MEMBERS PRESENT:

Captain VIVIAN in the Chair.

Sir. J. Trelawny.	Mr. Dalrymple (Bath).
Marquis of Hamilton.	Mr. Rathbone.
Lord Charles Bruce.	Sir John Pakington.
Mr. Mitford.	Mr. Childers.
Mr. Percy Wyndham.	Mr. Kinnaird.
Sir James Elphinstone.	Sir John Simeon.
Dr. Brewer.	Lord Eustace Cecil.
Mr. Tipping.	

Dr. *Simon*, recalled and examined.

DRAFT REPORT proposed by the Chairman, read the first time, as follows:—

1. "The question of whether it would or would not be advisable to extend the operation of the Contagious Diseases Act, 1866, to the whole civil population, is one which involves considerations of such magnitude, both social and economic, and would necessitate an inquiry so lengthened and so elaborate, that your Committee have thought they should best perform their duty by not entering on so large a field at so late a period of the present Session.

2. "They understand that, in moving for the Committee, Her Majesty's Government were not prepared, and had no intention, to enter into the consideration of this question in the present year.

3. "Your Committee have therefore confined their investigation, for the present—

"1st. To the operation of the Act in those districts to which it has been already applied.

"2nd. To the alterations which may be necessary to secure more satisfactory results.

"3rd. To its further extension for military and naval purposes to districts not now included within its Schedules.

"I.—THE OPERATION OF THE ACT.

4. "Although the Act has only been in operation two years and a-half, and at some stations only seven months, strong testimony is borne to the benefits, both in a moral and sanitary point of view, which have already resulted from it.

5. "Prostitution appears to have diminished, its worst features to have been softened, and its physical evils abated.

"DEFECTS IN THE ACT.

6. "1. In certain military districts the limit of five miles, imposed by the present law, appears to be insufficient to include all the area within which the mischief is fomented. Testimony is borne to the fact that women reside just outside this limit to escape the operation of the Act, and strong representations have been made by some of the witnesses to obtain an extension. Your Committee are of opinion that the limit may with safety and advantage be extended, in such military districts where it is found necessary to do so, to a distance of not more than 15 miles.

7. "2. The 17th section provides for the voluntary submission by women to medical examination, but does not give sufficient power to secure their continued obedience to the requirements contemplated by the 19th section. To remedy this, your Committee recommend that the notices of visiting surgeons shall have the power of a warrant, which shall be an authority to the police to apprehend a woman refusing to appear on the day appointed.

8. "Power should also be given to the visiting surgeon to order the detention of women, who, from natural causes, are not in a condition to be examined when they present themselves; but with regard to whom there is strong suspicion that they are diseased.

9. "The

9. "The evidence seems to point to the necessity for extending the limitation of detention, under section 24, from six to nine months.

10. "It has been shown that the certificates given under the Act on discharge from hospital are sometimes improperly used, and often change hands.

11. "Your Committee recommend that the certificate on discharge shall in future remain in the hands of the inspector of police.

12. "An important modification of the Act was suggested by the evidence, that in the first four months of this year, out of 700 women of ill fame, 41 were undoubtedly restored to a virtuous life by the direct and indirect influence of the Act, and 29 more left the district (Devonport).

13. "It appears that many of these women would object to apply to a justice in open court for a discharge from attendance, but would feel no such objection to the medical officer under whose care they had been.

14. "Your Committee therefore propose to modify clause 33, by omitting the last half, after the words 'certified hospital,' in order to insert a provision that a woman applying for relief from detention and examination, might make application on that behalf to the visiting surgeon, who, on ascertaining, through the inspector of police, that she had abandoned a life of prostitution, might, if he saw good reason, order her release from further attendance; notice of such release to be sent to the justices under whose order or notice she was examined.

15. "Four complicated cases were referred to, which appear to your Committee to require additional clauses.

16. "The case of pregnant women diseased: while no distinction is made by the Act between these and other women who present themselves for examination, it appears that it is the invariable practice, from want of hospital accommodation, to refuse them any treatment, and to discharge them at once, whatever their condition may be. Unless some means are adopted for dealing with such cases, your Committee are convinced that two evils must continue, viz., the spread of contagion, and the production of offspring more or less afflicted, and who consequently become dependent on the contributions of others.

17. "The second case is that of children who, at the instigation or connivance of their parents, are convicted of prostitution. Your Committee recommend that such children, under 15 years of age, shall not be sent to their parents after cure, but to an industrial school, and the parents, if able, shall be compelled to contribute to their support, their ability to do so being decided by the magistrate or the guardians of the poor.

18. "The third case to be considered is, as to what extent, and under what restrictions, soldiers should be periodically examined, as it is not to be doubted that undetected disease does exist and is propagated.

19. "Whilst it would be manifestly unadvisable to subject non-commissioned officers and married men of good character to such examination, it appears not unreasonable that men who have been under treatment, or who are known or reported to be of loose habits, should, for a specified period, be liable to such examination; and your Committee cannot suppose that such a system would prejudice the service.

20. "The expense to the country of extensive disease among the troops, the injury inflicted morally and physically upon the men, seem to point to the urgent necessity which exists for adopting every possible means to arrest the spread of this contagion, no less than its duration.

21. "A difficulty to the effective operation of the Act at the Camp at Aldershot appears to arise from the want of any power to deal with 'tramps' who frequent the camp and immediate neighbourhood, accompanied by women on whose prostitution they subsist.

22. "It would appear necessary to give the police power to arrest such 'tramps,' who, on conviction, before a magistrate, of dealing in prostitution, should be fined or imprisoned.

23. "Such is the nature of the Amendments which, in the opinion of your Committee, are required in the existing Act.

"Additional towns and villages to be included in the Act.

24. "Your Committee recommend that the following places should be added to Schedules now in the Acts:

"CONTAGIOUS DISEASES ACT (1866).

"Proposed EXTENSION of the above ACT to the following Places.

Names of Places.	Limits of Places.
Gravesend - -	The Limits of the Parishes of— Gravesend. Milton. Northfleet. Denton. Chalk.
Maidstone - -	The Limits of the Parishes of— Maidstone. Barming. East Farleigh. Loose. Booghton-mon-Chelsea. Allington, and the Hamlet of Tovil.
Winchester -	The Limits of the Parliamentary Borough of Winchester.
Dover - -	The Limits of the Parishes of— Buckland. Charlton. Hougham. St. Mary's. St. James's. Eastcliff (extra-parochial). Guston.
Walmer and Deal	The Limits of the Parishes of— Walmer. Deal. Sholden. Monyeham. Ringwold. Ripple.
Canterbury -	The Limits of the following Parishes or Ecclesiastical Districts, namely— St. Andrew. All Saints. St. Alphage. St. Mary Bradin. St. Mary Bredman. St. George-the-Martyr. St. Mary Magdalen. St. Margaret. St. Mildred. St. Mary Northgate. St. Paul. St. Peter. The Archbishop's Palace. St. Dunstan. Christ Church. St. Gregory. Staplegate. Westgate Within. Westgate Without. St. Augustine. Old Castle.
Colchester - -	St. Andrew's Greenstead. Lexten.
Devonport - -	Ivy Bridge. Plympton.
Portsmouth -	Southampton.
Woolwich - -	St. Paul. St. Nicholas. St Alphage. Greenwich. Hamlet of Hatcham.
Windsor - -	Datchet. Slough.

25. "Your Committee would remark, in conclusion, that whilst, for the reasons stated at the commencement of their Report, they have confined their investigations to securing greater efficiency in the treatment of these diseases at military and naval stations, they are strongly impressed with the conviction that further inquiries should be instituted with the view of ascertaining the practicability of extending the benefits of an Act which has already done so much to diminish prostitution, decrease disease, and reclaim the abandoned, to the civil population."

Question, "That the Draft Report proposed by the Chairman be now read a second time, paragraph by paragraph,"—put, and *agreed to.*

Several paragraphs *agreed to,* with amendments.

Paragraph 16.—Amendment proposed, to leave out from the words, "whatever the condition may be," to the end of the paragraph, in order to add the words, "your Committee are of opinion that this distinction should not be made, and that if such women are likely to be brought to bed during their necessary detention, arrangements should be made for their confinement in the hospital"—(Mr. *Childers*)—instead thereof.—Question, "That the words proposed to be left out stand part of the paragraph,"—put, and *negatived.*—Words added.

Paragraph, as amended, *agreed to.*

Paragraph 17.

Paragraph 17.—Amendment proposed, to leave out from the word "that," to the end of the paragraph, in order to add the words, "Legislative provision should be made for sending such children to an industrial school, or some other suitable institution, at the charge, in part or wholly, of their parents—(Mr. *Childers*)—instead thereof.—Question, "That the words proposed to be left out stand part of the paragraph,"—put, and *negatived.*—Words added.

Paragraph, as amended, *agreed to.*

Paragraph 18, *agreed to.*

Paragraph 19.—Amendment proposed, in line 3, to leave out from the word "unreasonable," to the end of the paragraph, in order to add the words, "that for the general good of the service, other soldiers should be periodically examined, and your Committee have reason to suppose that such a system, properly conducted, would not prejudice the service"—(Mr. *Childers*)—instead thereof.—Question, "That the words proposed to be left out stand part of the paragraph,"—put, and *negatived.*—Words added.

Paragraph, as amended, *agreed to.*

Paragraph 20.—Amendment proposed, at the end of the paragraph, to add the words, "your Committee have not taken professional evidence as to the practicability of extending such a system of periodical examination to the Navy, but they recommend that it should be considered by the Admiralty"—(Mr. *Childers*).—Question, "That those words be there added,"—put, and *agreed to.*

Paragraph, as amended, *agreed to.*

Paragraphs 21, 22, and 23, *disagreed to.*

Amendment proposed, after paragraph 23, to add the following paragraph "your Committee have received evidence as to the prevalence of disease at Aldershot, spread not only by the common prostitutes who resort to the camp, but by women brought to it from considerable distances by tramps who live on the earnings of these women. It is probable that this evil exists in other camps. It would be, in the opinion of your Committee, desirable to meet this by special penal legislation"—(Mr. *Childers*).—Question, "That the proposed paragraph be there added,"—put, and *agreed to.*

Paragraph 24.—Amendment proposed, to leave out from the word "that," to the end of the paragraph, in order to add the words, "in addition to the power of extending the operation of the Act at military stations to a distance of 15 instead of five miles, the following places should be added to those now scheduled"—(Mr. *Childers*)—instead thereof.—Question, "That the words proposed to be left out stand part of the paragraph,"—put, and *negatived.*—Words added.

Paragraph, as amended, *agreed to.*

Amendment proposed, in the Schedule, to insert the word "Chichester"—(Sir *James Elphinstone.*)—Question put, "That the word 'Chichester' be there inserted,"—The Committee divided:

Ayes, 6.	Noes, 8.
Dr. Brewer.	Lord C. Bruce.
Mr. Dalrymple (Bath).	Lord Eustace Cecil.
Sir James Elphinstone.	Mr. Childers.
Mr. Mitford.	Marquis of Hamilton.
Sir John Simeon.	Mr. Kinnaird
Mr. Percy Wyndham.	Sir J. Pakington.
	Mr. Tipping.
	Sir John Trelawny.

Amendment proposed, to insert the word "Dartmouth"—(Sir *J. Elphinstone*).—Question, "That the word 'Dartmouth' be there inserted,"—put, and *agreed to.*

Schedule, as amended, *agreed to.*

Paragraph 25, amended.—Another amendment proposed, at the end of the paragraph, to add the words "they have examined Mr. Simon, the medical officer of the Privy Council, as to the nature of the evidence which should be prepared before the question is referred to a Parliamentary Committee, and your Committee recommend that his suggestions on this head should be adopted by Her Majesty's Government"—(The *Chairman*).—Question, "That those words be there added,"—put, and *agreed to.*

Paragraph, as amended, *agreed to.*

Question, "That this Report, as amended, be the Report of the Committee to the House,"—put, and *agreed to.*

Ordered, To Report, together with the Minutes of Evidence and Appendix.

EXPENSES OF WITNESSES.

Name of Witness.	Profession or Condition.	From whence Summoned.	Number of Days Absent from Home, under Orders of Committee.	Expenses of Journey to London and back.	Allowance during Absence from Home.	Total Expenses allowed to Witness.
				£. s. d.	£. s. d.	£. s. d.
Dr. Edward Swale - -	Visiting Surgeon -	Sheerness - -	1	- 17 6	1 1 -	1 18 6
Dr. W. H. Sloggett, R.N. -	Staff Surgeon -	Devonport -	7	3 18 8	7 7 -	11 5 8
Dr. Parsons - - -	Visiting Surgeon -	Portsmouth -	1	1 6 -	1 1 -	2 7 -
Dr. J. C. Barr - - -	Physician - -	Aldershott -	1	1 5 -	1 1 -	2 6 -
Dr. Edward Waylen - -	Surgeon - -	Colchester -	1	1 4 6	1 1 -	2 5 6
Mr. John Smith - - -	Inspector Metropolitan Police.	Aldershott -	1	- 12 2	- -	- 12 2
				Total - - - £.		20 14 10

MINUTES OF EVIDENCE.

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MINUTES OF EVIDENCE.

Thursday, 24th June 1869.

MEMBERS PRESENT:

Dr. Brewer.
Lord Charles Bruce.
Mr. Childers.
Mr. Collins.
Mr. Donald Dalrymple.
Sir James Elphinstone.
Marquess of Hamilton.
Mr. Kinnaird.
Mr. Mitford.
Mr. Murphy.
Sir John Pakington.
Sir John Simeon.
Mr. Tipping.
Captain Vivian.
Mr. Percy Wyndham.

CAPTAIN THE HON. J. C. W. VIVIAN, IN THE CHAIR.

Mr. WILLIAM HENRY SLOGGETT, M.R.C.S., called in; and Examined.

Mr. *W. H. Sloggett*, M.R.C.S. 24 June 1869.

1. *Chairman.*] YOU are Visiting Surgeon of the Devonport Lock Hospital, are you not?—Yes.

2. And in that capacity you have great opportunities of watching the working of the Act for the Prevention of Contagious Diseases of 1866, I presume?——

3. First, I propose to examine you with regard to the Act itself; do you think that the Act as it is now framed has all the advantages and benefits which you expected to derive from it?—As much advantage as I could have expected from the Act in its present form.

4. Are there any amendments which you would propose?—Yes; I think that there are many amendments which are absolutely necessary for the successful working of the Act.

5. Will you tell the Committee what those amendments are?—Under Section 17, in the present Act, the woman voluntarily subjecting herself to a periodical examination by a submission in writing should be subject to the penal clause, No. 28, similarly as if ordered to appear by warrant of justices.

6. Do you consider that a woman once giving herself up for examination, even though she gives herself up voluntarily, should still be subject to the penal clause?—She should still be subject to the penal clause; and my reasons are these: A woman now, if she appears voluntarily, and being examined by the visiting surgeon, is found free from disease, may perhaps go away again and not re-appear; supposing that I, as visiting surgeon, examine her to-day, and find her healthy, not in a state requiring hospital treatment, she is not necessarily obliged to appear again, that is if she chooses to stay away; that is to say, if she chooses to stay away, the police have no power of compelling her attendance.

7. Dr. *Brewer.*] Do you find that to be common?—That is common.

8. *Chairman.*] You propose that a woman who once voluntarily gives herself up, although you give her a clean bill of health on that occasion, should thenceforth be obliged to submit to periodical examination?—For a certain time, or for so long as she continues in a career of prostitution.

9. Have you no fear that that would have the effect of driving people away?—No; on the contrary, I find in practice that the police have to say to those people afterwards, "Now, if you continue as prostitutes, you will be obliged to appear by a warrant of the justices," and then they do so; but I think it is better that the notice once given should have some legal power, than that the people subject to it should have the power of tearing it up and throwing it into the policemen's faces.

10. And are you not afraid of a woman saying, "I must not go into the hospital, because, if I do, I shall be a marked prostitute for life, although I think I am unwell"?—There is no fear of that; because all those women are known to the police as public prostitutes, and they can at any moment be brought before the magistrates, and be obliged to appear by a magistrate's order, and they are aware of that. I wish to do this to avoid the necessity of having too many appeals to the magistrates for magistrates' orders. Every magis-

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trate's order involves a certain amount of publicity, which I think should be avoided, and it involves a certain cost of fees to the magistrates' clerk. All this would be avoided, supposing the voluntary submissions in writing were made to have the force of an order or warrant.

11. Dr. *Brewer.*] With regard to Section No. 17, to which this applies, do you understand, by Section 17, that a woman cannot remove herself from the observation of the medical superintendent till she is cured?—Every woman found diseased is at once sent into the hospital.

12. But can she, under Section 17, remove from hospital before she is cured?—No.

13. Then, after she is cured, and goes on with her prostitution, does that reproduce the disease, in your observation, without other contamination?—It is very difficult to prove that.

14. Is that the object of your wishing to extend the action of the 28th clause to the 17th?—No; the object of it is to induce the women to apply more regularly for examination.

15. Have you reason to believe that upon a woman continuing her prostitution without catching fresh disease, the disease reappears?—I think it possible that certain forms of disease may reappear.

16. Without fresh contamination?—Without fresh contamination certain forms of disease may reappear.

17. Would that disease reproduce itself in any fresh subject?—Certainly, that is my view.

18. And is that part of the reason why you thus wish to extend it?—No; my reasons for wishing it are, to avoid the frequent application to the magistrates, and to induce the women to submit themselves regularly to examination; in fact, to avoid as much police interference with them as possible.

19. Mr. *Murphy.*] Is it your opinion that the effect of the 17th section is, that although a woman subjects herself by submission in writing to a periodical examination, and although the 17th section says that it shall have the effect of allowing her to be examined, yet nevertheless she cannot be re-examined without an order from the magistrate?—No, the effect of the 17th section is this; women have the power to sign a submission in writing, by which they are examined by the visiting surgeon; but inasmuch as this order in the 17th section has no force in law, the woman on the following day may say, "I signed it yesterday, but I will evade it to-day."

20. But you assume that it has no force in law; has that been tested?—I have had counsel's opinion that it is so.

21. The 17th section is this: "Any woman in any place to which this Act applies may voluntarily, by a submission in writing, signed by her in the presence of, and attested by, the superintendent of police, subject herself to a periodical medical examination, under this Act, for any period not exceeding one year:" she signs that submission in writing; has it ever been decided by an appeal before a court, that she is not liable to be examined periodically during the year?—The Admiralty counsel gave his opinion that such is the case, that she is not subject to the penalties of the penal clause.

22. The 17th section of the Act specifically says that she may subject herself for a period of a year to periodical examination, and if after that she does not subject herself, why cannot she be compelled, under that section, to do so?—The police declare that they have no authority to apprehend her upon it.

23. Would you propose to alter it, by adding the words, "that such submission in writing shall have the same effect as if a magistrate's order should have been got"?—Yes.

24. Dr. *Brewer.*] You perceive that, in the clause to which you refer, there is more accomplished than you want; the woman, by Section 17, has submitted herself to proper medical superintendence; she goes out; she does not return to you, from carelessness or for other reasons; you do not want, do you, that she should be put to hard labour, but rather that she should be kept in confinement?—Neither the one nor the other.

25. Is not that the operation of the 28th section?—I simply wish that the force of the 17th section should be the same as that section by which a woman is empowed to be visited by a surgeon under a magistrate's warrant. The 28th section is a penal clause.

26. Then would you wish to have the penal clause applied?—No; I wish to have her put under the same penalties as she would be under the magistrate's orders.

27. All you want is to get hold of her, and subject her to the action of the medical officer?—Yes; I want the police to have the power to apprehend her, supposing she does not appear at a certain time, and say, "You are plying as a prostitute; you are not appearing for examination before the visiting surgeon; we have power to compel your attendance."

28. But is not more done by the 28th section than raising terror against this neglect; do you want it all?—I merely want the woman to know that she is obliged to submit herself; I fear that without that terror the women would not come.

29. If you have power to confine her, is it all you want?—I do not wish power to confine her, I only wish that the woman should be capable of being apprehended by the police, supposing she does not appear.

30. Sir *John Simeon.*] You wish, in fact, do you not, that her voluntary submission to examination on one occasion should subject her to exactly the same consequences, in every respect, as if the first examination had been made in consequence of a magistrate's order?—Yes; that is all I want.

31. Sir *John Pakington.*] Have you found practically that in cases of women voluntarily submitting to examination under the 17th section, there has been a want of power and hold upon them to compel them to come for examination again?—Yes, that is my reason for wishing that to be altered.

32. Do you mean that they nominally submit themselves to examination for a year, but that you find practically that they do not go on with it for the year?—That is it.

33. Are you not afraid that if the 17th section is rendered more stringent than it is, it may have a deterrent effect, and prevent women from voluntarily giving themselves up for examination?—No, I think not; because all common prostitutes now so far know the law as to be aware that if they do not voluntarily submit, they can be obliged to submit by the magistrate's order. They would rather avoid the appearance before the magistrate, if they can do so; and I find constantly in practice, that women of that kind who have voluntarily appeared before me under the 17th section, instead of reappearing at their time,

perhaps

perhaps will evade it for a few months. The police then will tell them, "If you do not appear on such a day, I must apply for a magistrate's order;" and, in nine cases out of ten, the mere threat of a magistrate's warrant will induce them to reappear.

34. But I understand from you that they are held to be liable to a magistrate's warrant for a year; and they are liable to be arrested if they do not come periodically during the year?—Not if they appear under the 17th section.

35. Do you mean that there is no compulsion upon them?—No compulsion whatever.

36. Dr. *Brewer.*] They are supposed, under the 17th section, to be cured before they go, are they not?—No; perhaps I may make it more plain to the Committee if I tell them the practice; the women come before me, and perhaps out of 50 or 60 women, 30 or 40 may be found to be healthy women; each woman, if healthy, has a notice given her to re-appear in 14 days; if that woman has appeared by order of a magistrate, in case of her not appearing on the 14th day, the police have power to apprehend her, and say, "You must come."

37. *Chairman.*] Do you give to every woman, whether appearing voluntarily, or appearing under the order of a magistrate, an equal order to appear in 14 days?—Every woman.

38. Sir *John Pakington.*] Whether she be ill or well?—If she is ill I send her at once to the hospital; and if she is well I tell her to come in 14 days, for she may contract fresh disease the same night, and disseminate a great amount of disease. Supposing that this woman do not re-appear at the end of 14 days, the police have no power now (that is over those women who have applied under the voluntary submission) of compelling her to attend at all, and a great number of those women in this way have evaded the police for three months or more.

39. Sir *John Simeon.*] Are you aware of the system in Paris under which a woman who has once put herself in the power of the law by an act of voluntary submission, and registering herself as a prostitute, has very great difficulty in subsequently emancipating herself from the consequences?—I am.

40. Are you aware that that has been found to act very harshly and unfavourably upon the subsequent reformation and future of those women in certain cases?—I know that it has been stated so; but I am not certain of it, and I have no evidence to prove it: but that is a subject upon which I have dwelt in reference to the 33rd section.

41. Do you feel, in the interests of this unfortunate class of women who are the subject of this inquiry, any fear of consequences similar to those which we are informed result in Paris from the alteration which you now propose?—Not at all; I fully believe that the measures which I suggest are most desirable for the reclamation of the women, and for improving their social and moral character. I believe it too from the actual data which I have been able to obtain. During my 2½ years experience, the amount of actual good which has been done is more than I ever anticipated could have been done.

42. Dr. *Brewer.*] Would it be sufficient if Section 28 gave you the power to arrest them for the purpose of the requisite investigation, without the general penal clauses?—I would not suggest that the visiting surgeon in any case should have a power of inflicting punishment. I would only suggest that the order of the visiting surgeon should warrant the police to apprehend a woman repeatedly evading examination, and to bring her for examination. At present a woman will constantly tell the police in the streets, when they look after her, "I will not go, and you cannot take me;" and as many of those women shift their lodgings from night to night, and from day to day, although the police may see dozens of them in the streets, they cannot find them from day to day, and cannot apprehend them, and a great amount of disease is disseminated in that way.

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43. Mr. *Mitford.*] Are you aware of there being any or many convictions under the last portion of the 28th section?—Very few; I think there was only one conviction in my remembrance. The mere fact of the order being there has in itself a strong deterrent effect. That is why I believe that the penal clause has done great good in that respect; it prevents women incurring the penalty of it.

44. Sir *John Simeon.*] Has the practice of voluntary submission to examination on the part of the women occurred in very numerous cases?—They nearly all come voluntarily; I suppose that out of 700 women, there would be 690 voluntary submissions at least.

45. Mr *Murphy.*] I want clearly to understand what is the object of the addition to the 17th section which you proposed to make; by the 15th section, information upon oath is required to be laid before a justice that the woman is a common prostitute; and thereupon the magistrate issues a warrant or an order that she should come up; what you want is this: that the mere fact of a voluntary submission under the 17th section should have the same effect as if an information on oath had been laid previously before a magistrate, stating that the woman was a common prostitute?—Exactly.

46. And the fact of her voluntary submission should dispense with the previous information on oath which in other cases a policeman is obliged to bring before the Bench?—Yes.

47. *Chairman.*] I wish to draw your attention to the 24th Clause of this Act, which is entitled a Clause for the Limitation of Detention. Do you think that the clause requires amendment?—I do. I think that the period of confinement might be advantageously extended for three months; that is to say, it should be extended from six months to nine months.

48. Have you had many authenticated instances of women who have been discharged compulsorily without being perfectly cured?—Numerous instances. Women know that at the expiration of six months they can be discharged; and the surgeons of the hospital, in fact, have no power of detaining them. In practice, I have tried to carry out a plan which has acted in one or two instances, but which has failed in many others; that is, I have seen a woman, and have said to her, "Now the law gives you the power to leave the hospital to-day, and you can go to your friends; but whenever you are found following your career as a prostitute, being uncured, you are liable to three months' imprisonment. Are you willing to be re-admitted this same day into the hospital?" And many of them at once expressed their willingness. Some few of them have been admitted on the same day; but the majority of them will say, "Well, sir, I will not go to-day, but I will go to-morrow." When they go to their

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their friends, the police may lose them for a fortnight, or three weeks, or more, and in the meantime they are disseminating disease.

49. Dr. *Brewer.*] But that depends, does it not, entirely upon the apparent requirement of prostitution, and upon the contingency of there being any particular provocative for prostitution?—So many of these poor creatures have no other means of livelihood than prostitution, that I believe that they really require no provocative. Many of them, I believe, are prostitutes from sheer starvation.

50. If a fresh regiment came into the town might not that be an inducement?—That might be an inducement.

51. That is the inducement, is it not?—I believe the fact of the free and careless life they have led is of itself a great inducement.

52. *Chairman.*] Do you think that extending the powers of the Act, so as to retain them for nine months, would be sufficient?—I think it would not.

53. I suppose you would propose that such an alteration should be accompanied by the necessity for a fresh certificate at the end of three months?—Certainly; I think that it would not be wise to do away with that.

54. Do you know of any case in which syphilis has been so virulent, that you have not been able to cure it in nine months?—I would not say that; but such cases are rare; and cases of that kind would be less likely to be infecting. Cases would be very rare in which a woman would not be rendered non-infecting in nine months.

55. Has the operation of this Act been to make the disease less virulent than it was?—Very materially.

56. Dr. *Brewer.*] It has modified the type of disease, has it not?—Syphilitic disease is being to a great extent cleared out; and if we could only prevent the importation of fresh cases of syphilis, I believe we should clear it out entirely. In that respect the actual amount of good done is really greater than will be shown by statistical returns. Only the week before last I went into the Naval Hospital, and examined the patients; and I found that out of five cases of Marines who had been admitted that week for syphilis, four were not infected with true syphilis, but merely with common venereal ulcers which would not affect the constitution.

57. Sir *James Elphinstone.*] Is that importation due at all to merchant seamen?—Very largely to merchant seamen; and the trawlers and the ships coming from New York especially. The homeward-bound ships, and a large number of coasting vessels, are very much infected with syphilis; and the police now find that an easterly wind in the Channel which will throw a large number of ships into Plymouth is immediately followed by a fresh outbreak of syphilis.

58. Dr. *Brewer.*] Have you seen any true syphilis lately?—Yes; but very few cases.

59. To what do you attribute the introduction of the true syphilis?—We are stamping it out, but I attribute it to importation.

60. Sir *James Elphinstone.*] Could you suggest any mode of dealing with the coasting and merchant seamen, who are continually diffusing fresh disease?—Yes, and I think a very ready one, and one very easy of application: if there was a clause introduced into the Merchant Shipping Act, by which every seaman, before signing his shipping articles, should be examined by a medical officer, I believe that not only would a great amount of syphilis be checked and prevented from dissemination, but that a great amount of general disease which now exists among merchant seamen, of whom I have seen large numbers, would also be prevented. When I was attached as Surgeon to the Naval Reserve I saw large numbers of men enter a ship's crew, of whom, if they had been going on board men-of-war, I would have rejected three-fourths; they were physically unfit to do work aloft; and what is the result? The ship goes to sea deeply laden, with a new crew weakened by many being unfit for duty from syphillis and other diseases, and is not in a fit state to encounter a gale of wind in the Channel. I believe there would be no difficulty in applying that remedy; the men must sign their shipping articles by which the men have the protection of law. Causing them to be examined before signing those articles would, to a certain extent, put them under the penalty of the law; if men were found diseased, I would have them sent to hospitals, and no man should be admitted on board ship without such certificates.

61. Then, in point of fact, you would make use of the powers of this Act with regard to males, in the same way as it is used with regard to females?—Only so far as it is applicable to men in the merchant service.

62. Mr. *Tipping.*] Would not many seamen look upon that as a great indignity?—Not at all; the best merchant seamen in the service are the men in the Naval Reserve. Every man who enters the Naval Reserve is examined; and I have examined many hundreds of them, and they never made the slightest objection to it.

63. Mr. *Percy Wyndham.*] Could you extend that to foreign ships?—That is a question which involves international law; I would prefer only speaking of a subject upon which I can speak from my own experience.

64. Mr. *Mitford.*] Is your answer to the question put by the honourable Member for Portsmouth, with reference to the towns in which the Act operates now, or to the country generally?—I think it might be applied to merchant seamen throughout the whole country.

65. Then before you could extend it you would require hospitals in all the towns, would you not?—In nearly all the large commercial ports there are hospitals already; and there is no doubt that sufficient hospital accommodation could be found in them. In Liverpool, in Glasgow, and in a great many of those towns, there are the civil hospitals which might receive a subsidy, and be paid at a certain rate in some way or other, which of course the Legislature would be able to decide about, where I could find room. Then the present union infirmaries also might be more largely rendered useful. In ports where there are naval hospitals, with a large number of unoccupied beds, I think that a certain portion of the naval hospitals might be applied to that purpose.

66. Sir *John Pakington.*] At present the Act applies to soldiers and sailors of the Royal Navy, but not to the mercantile marine, does it?—No.

67. Supposing that such a power were given as you have now suggested, would it not have the effect of protecting the owners and captains of merchant ships from bad seamen?—Very materially.

68. I presume that now those diseased men are hired and engaged by the captains of those vessels

vessels without any knowledge of their condition?—They know nothing whatever about them.

69. On the other hand, if their condition was ascertained by examination, of course no prudent captain would engage any such men?—No.

70. And consequently a great check would be placed upon the dissemination of disease by such men, would it not?—Yes, I believe that it would be quite as much to the interest of the owners as to the interest of the men.

71. Sir *John Simeon.*] Then you would require compulsory power to send those men to the hospitals if they were found diseased, would you not?—The power itself would be compulsory; because if a man does not choose to go to the hospital he cannot sign his articles and he cannot ship.

72. Sir *James Elphinstone.*] Would you not consider it advisable, in the event of finding merchant seamen in that state, that they should be dealt with exactly in the same way as women are under this Bill, viz., that they should be committed to hospital until they are cured?—If it were possible to get such power from the Legislature, I think it would be very advisable.

73. Dr. *Brewer.*] If you extend the term by three months, would it not be requisite for you to have the power of extending it by three months *ad infinitum*?—I think not; I think that if that power were given it might perhaps rather frighten the women too much; I should not like the idea that those poor creatures should think that we had the power of imprisoning them for years.

74. Do you think that the disease is not communicated after nine months' treatment?—I cannot say that; but it is rarely communicated.

75. Sir *James Elphinstone.*] You stated that a great deal of disease came in ships from New York, and that an easterly wind produces an outbreak of disease from an accumulation of winter-bound ships at Plymouth; in order to deal with that, would you recommend that the seamen should be examined on the arrival of ships in port?—No; I do not think it could be carried out. I think that if you attempted to enforce that, it would be evaded very largely, as many people would land under the type of passengers, and it would create such difficulties with the law, that I would only suggest it before merchant seamen sign their shipping articles, and at their discharge. The practice at the shipping office is to pay the men at their discharge. Before they get their pay, at their final discharge, I would have them examined, and not let them receive their pay until they are well.

76. Mr. *Percy Wyndham.*] Is it your opinion that there would not be any great difficulty in providing hospitals?—I think not, but of course I have no evidence to prove it.

77. Is there not rather a feeling of disinclination, on the part of the managers of those hospitals, to open wards for persons suffering under these diseases?—Not if they are paid for them. Of course it would be unfair to put it upon the parish.

78. With regard to those merchant seamen, would there be any benefit in applying the examination to a few of the large seaport towns first, or are you speaking now of extending it to every seaport town in the kingdom?—In every one of the seaport towns to which the Act is extended there is, necessarily, very much syphilis being cured. I think that the application of it in this way, before the men sign their shipping articles, could be carried out with great facility.

79. *Chairman.*] Are there any other alterations which you would suggest in the Act?—Yes; as regards Section 32, the order for periodical examination should not cease to operate upon the discharge of a woman from hospital. It should, in all cases, be available for one year, unless good cause be shown that the woman has given up prostitution.

80. Mr. *Tipping.*] Have many common prostitutes, within your knowledge, given up prostitution?—A very large number.

81. Sir *John Pakington.*] Do you trace that fact to the operation of this Act?—Most fully, and the proofs of it are coming before me almost daily. In the first four months of the present year 70 women have been removed from the police register, and have given up prostitution.

82. How do you ascertain that they have given up prostitution?—The police are in the habit of seeing those women constantly, and if they no longer see them in their accustomed haunts, but leading a virtuous life, no longer straying about and soliciting men in the streets, or engaged in prostitution, there is strong *primâ facie* evidence that the woman's declaration is a true one; and the same holds good if they marry.

83. Dr. *Brewer.*] There are many who marry, are there not?—In the first four months of 1869, 18 were married, 29 left the district, and 23, though unmarried, had given up prostitution.

84. *Chairman.*] Out of how many?—Out of 700 women.

85. Dr. *Brewer.*] Have you reason to believe that those 29 were reformed?—I cannot tell; but that those 23, though unmarried, have given up prostitution we have direct proofs, for the police have their names, and they know the manner in which those poor creatures are now getting their livelihood.

86. Sir *John Pakington.*] Are you now speaking of the same 70 women to whom you referred just now?—Yes; this is a subdivision of the same 70.

87. Therefore you have ascertained that they are giving up prostitution, and you do not, in saying that, trust to their mere absence from their usual haunts?—No; the police have traced them, and found it out.

88. Is there no reason to apprehend that a portion, at least, of those women may have gone elsewhere to pursue the same trade?—Those 23 unmarried women are still living in the neighbourhood of Plymouth, and have given up prostitution.

89. Dr. *Brewer.*] Do you think that it would be sufficient to say that the order shall continue if there be just cause to believe that prostitution is being continued?—That might do.

90. That is a less objectionable form, and is equally effectual; instead of saying, unless cause can be shown that she has given up prostitution, would it not be equally valid to say, unless there be proof or cause to believe that prostitution is continued?—Yes, I think that would give the police more power. My object in putting it was to enable a woman to abandon her mode of life.

91. If you have the affirmative, it will be better for all parties: if proof be given that she is continuing her prostitute life, then the order may continue for the whole year, because for her to show that she is not a prostitute would be an extremely difficult proposition; but the affirmative

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tive would be an easy one, would it not?—Yes, I think it would render it easier.

92. Mr. *Percy Wyndham.*] Is there a reformatory or refuge in Devonport?—There are two or three.

93. Are you at all acquainted with the internal working of those institutions?—The success is not very great, as statistics would show.

94. Is there not good reason to believe that, indirectly, this Act has been the means of reclaiming more women from prostitution than institutions avowedly formed for that purpose?—Most assuredly; and the reasons for it are exceedingly clear. Those women when they come into the hospitals are there in the quiet of their beds; perhaps they are ill; they are certainly a great deal more susceptible to the influence of the chaplain, or of the matron, or of any visitor who may give them a kindly word. Many of those poor creatures, I believe, have never previously had a kind word spoken to them in their lives. When first they are brought before the visiting surgeon, the distress, and utter destitution, and misery of many of them is more than anyone can conceive, and the amount of good being done already to those poor creatures by this Act is very great. More than one instance has struck me very painfully. Two sisters, respectable, modest-looking girls, came up from a town in Cornwall by railway train to visit their sister in the Plymouth, previously to emigrating to Australia. They were seduced, according to their own story; whether they had been previously seduced or not, I do not know; but, at any rate, they met two men in the train who took them to a house in Plymouth, and gave both those poor creatures disease, and they were ashamed to go to their homes. The police found them on the streets, and requested them to appear for examination; and they were both diseased. They appeared under an assumed name, and had been in the hospital for 10 days when a very respectable, modest-looking woman came to the visiting surgeon's room in great distress, asking me if I had heard of her two sisters, giving them their proper names. Of course I had not heard of them; but when she described them, and said where they came from, I immediately recollected the two cases; for, I make it a point in any of these cases to inquire into their history a little, and I send a private note to the chaplain, so that he may inquire more closely into their previous history, and see if he can induce reformation. Those two poor creatures remained in the hospital for a fortnight, and as soon as they were cured they went out as emigrants to Australia, and gave up their life of prostitution entirely. Had they not come into the Lock Hospital, most assuredly in three months they would have become so thoroughly abandoned to a life of prostitution, that they could never have been reclaimed.

95. *Chairman.*] Do you think that this Act is popular among the class of unfortunate creatures?—I think it is. They all express their great willingness and delight to go into hospital; but I must not conceal the fact that there is some unpopularity in it, and that is from this cause: that these women will not go into hospital unless their physical sufferings are such that they are no longer able to ply their trade as prostitutes. In that way women will knowingly and intentionally have intercourse with men knowing themselves to be diseased. I can give you one case in point: A few months ago one poor creature was brought before me, having recently arrived in Plymouth from Kingsbridge. She was very young, was evidently in great distress, and under great physical suffering. On examination I found that she was suffering from extensive venereal disease and a very severe form of gonorrhœa. She acknowledged to me that although she had left Kingsbridge 23 days before, for the purpose of coming down to Plymouth for the purpose of being admitted into the Lock Hospital, she had yet evaded the police for 23 days, during which time she had indulged in indiscriminate prostitution; and I do not hesitate to assert that every man with whom that woman had intercouse must necessarily have been infected.

96. Dr. *Brewer.*] Have you found them at all deteriorated from mixing in the hospital with each other?—I think that there should be some means of separating or classifying them in their wards by which some of the younger women might be separated from the more hardened prostitutes.

97. Sir *John Pakington.*] You have mentioned the case of 70 women who were removed from the register in the first four months of the present year; have you had similar experience in former years?—Yes.

98. To what extent?—Since October 1866, when this Act first came into operation, I have made nearly 9,000 examinations in 1,775 individual women, that is the same women being examined over and over again: there now remain in this district only 770. Of the remaining number, which will be in round numbers 1,000, upwards of 300 (but I will say 300) have certainly abandoned prostitution; and I wish to be understood, too, that this number of 300 who have abandoned prostitution, going over a period of two years and a half, necessarily will not include those who have abandoned prostitution for a few months, and who have then returned. Those women for two years and a half have left the streets, and are now no longer on the streets.

99. *Chairman.*] Are they gaining honest livelihoods?—They are gaining honest livelihoods. In addition to that, 250 are married and leading, in the belief of the police virtuous lives. That will make 550 who have really given up prostitution.

100. Sir *John Pakington.*] The professed object of this Act is to deal with physical disease; in what manner do you suppose that the Act has conduced to the saving from prostitution of this large number of women?—I think that a great number of those women get ashamed of their constantly being known as prostitutes: I think, too, that the quiet and comfort of the Albert Hospital, which they do not experience at home, the regular diet, and the absence from their constant scenes of dissipation, induce among them a love for, or a strong wish to return to, a more quiet life. I feel convinced that a great number of those women never would have been reclaimed if they had not gone into hospital.

101. *Chairman.*] They are visited by clergymen, I suppose, in the hospital?—The chaplain and the matron, and the different members of the hospital committee, visit them; and the persons interested in those efforts try to induce them in every possible way to abandon this mode of life.

102. Sir *John Pakington.*] So that, in your opinion, this Act indirectly produces a most important moral effect?—A most important moral effect.

103. Mr. *Percy Wyndham.*] Do you not also tribute the beneficial result to the fact, that you so confer upon them a material benefit which ey can at once understand and profit by; hereas if they were approached on the moral id religious ground first, they might take fright? I have no doubt that all those causes co-operate gether to produce this result. The change in eir general appearance is most striking. They e far more cleanly in their habits. They used appear constantly in the most filthy state, but e soon find out that after those women have en once sent into hospital, where they have acuired habits of cleanliness, they do not abandon ose habits when they leave the hospital. As a oof of that, itch, which used to be exceedingly mmon in all seaport towns, in Portsmouth and lymouth is becoming to a great extent dimished in both services.

104. Sir *John Pakington.*] Has the retirement m this habit of life of those 500 women practilly diminished the number of prostitutes in evonport, or have their places been filled up by her young women being drawn into prostitu on?—In 1864 there were 2,000 known public ostitutes in Devonport and Plymouth; there e now 770. Those numbers which I give are t vague.

105. Mr. *Mitford.*] Do you attribute that to e increased morality of the people of Devonport, to the prostitutes doing more business in their ay?—Of course those women must be doing ore business. I have no doubt that there is eater intercourse, and I think that that may be en in the appearance of the women, because ey are better dressed than they used to be; idently showing that the amount of gain hich they receive from their infamous trade is rger.

106. Mr. *Percy Wyndham.*] But you wish it be understood that the money is expended nong fewer women, and not that the amount of ce in the town has increased?—No; the money s been expended among fewer women. There a standing garrison of soldiers, seamen, and arines, altogether from 10,000 to 12,000. The mbers have been the same, and they have been etty much indulging in the same way as for the st 20 years.

107. Have you any reason to believe that the mount of vice in the town has increased?—On e contrary, I believe the amount of vice to be ry materially diminished, and I have strong oofs of that, for the clandestine prostitution is rtainly very materially diminished.

108. Dr. *Brewer.*] Under the operation of the ct, is there great facility afforded for parents tecting their children who are leading prostute lives?—I fear there are too many cases of ostitution in which the parents themselves conve at their childrens' prostitution. I should mention here a case of a mother and daughter being oth in the hospital at one time laid up with enereal disease; and the police informed me at the mother of this child, who was only 14, d been in the habit of sending for the child he mother was keeping a brothel), supposing e was required for purposes of prostitution. is cases of that kind in which I think the egislature should endeavour to prevent such oor little creatures being sent back to their arents. I would send children of that age, not their parents, who were keeping brothels, but, some industrial school or reformatory, so as to give them some means of regaining what they have lost.

109. Marquis of *Hamilton.*] I do not think that you have stated how many have left Plymouth who are unaccounted for?—Four hundred and fifty.

110. Have you any idea where they have gone to?—The police believe that at least 60 per cent. of the remainder have given up prostitution; but I need not state that of course those statistics are not to be received entirely as facts. The police have no proofs; of the previous numbers I have proofs.

111. Do you imagine that many of them go far away, or that they go simply without the confines of the borough, and there ply their trade?—No doubt a certain number of them have removed to the towns in the vicinity of Plymouth, and some of those women may there continue their avocation as prostitutes; but they are not included in those numbers.

112. Mr. *Percy Wyndham.*] Is it not the fact, that a very large number of women who have at one time of their lives followed prostitution, subsequently marry?—A large number. Of those 1775, 250 have married.

113. Mr. *Tipping.*] Are the majority of the prostitutes in Devonport living in brothels collectively, or isolated?—Since the operation of this Act, a great many of the upper class of prostitutes have removed into private lodgings, and in that way they will sometimes evade the efforts of the police to detect them for two or three months; that is to say, they will call themselves kept mistresses. They are not really so, but they call themselves so. They take longings in a quiet and respectable street, and their neighbours for some time are not aware of their character, until the police find them out.

114. Dr. *Brewer.*] Do those women propagate disease?—Unless they are examined, they are certain to propagate disease.

115. Lord *Charles Bruce.*] In the Appendix to the Report from the Select Committee of the House of Lords on this Act, there is a return from the Metropolitan Police as regards the Devonport district, and it is there stated that, since the commencement of the operation of the Act, 681 is the sum total of cases brought under the provisions of the Act; is that correct?—Since that I have examined 1,775 women. I do not know anything about that return. This return of 1,775 I vouch for, because I take the name of every woman who appears before me, in a register.

116. Mr. *Percy Wyndham.*] Do you know, of your own knowledge, whether it is not the case that attempts to reform those women by approaching them with direct moral and religious advice, while they are pursuing their avocation, are generally unsuccessful?—It is almost always inoperative.

117. I suppose it has been attempted at Devonport, by clergymen and others?—Very constantly. There are two or three refuges, and the clergymen, I believe, have exerted themselves as far as possible to reform them; but while those people are leading a life in the streets, under the influence of incessant drink and dissipation, they are not amenable to the influence of clergymen, or of any other persons who approach them in the hope of reforming them.

118. Sir *John Simeon.*] The diminution of the number of prostitutes, of course, increases the

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frequentation with men of individual women; does it not?—I think it must do so.

119. Would not a largely-increased frequentation of men have a tendency to produce disease?—It would not produce syphilis; and even supposing it does produce disease, the advantages of the Act are that every woman being seen once a fortnight, the disease can never attain a head. I think that it is absolutely necessary that every woman should be visited at least once a fortnight.

120. *Chairman.*] Do you think it important that the power of Clause 32 should be extended to inspecting a woman, whether she goes from the hospital well or ill, for a period of 12 months?—Yes.

121. Sir *John Pakington.*] In fact, you would do away with the qualification at the end of the clause?—Yes.

122. Mr. *Tipping.*] Do you find, practically, that an examination once a fortnight is sufficient?—I think that if we were to make it more frequent than that, the women would rebel.

123. Dr. *Brewer.*] Have you ever, to your knowledge, inflicted any serious injury upon any woman who has been examined, and who has not been a prostitute?—Most certainly not.

124. Have you ever had such a case?—Yes, once, and only once, and I did not examine her. It was a most horrible case: a poor child was brought from the country to be examined, at the request of her own stepfather, who accused her of prostitution, and who brought her to the police. the poor child herself came willingly to the hospital; when the case was explained to me, I at once refused to examine her, but she herself begged me to examine her; she said, "I ask you to do it as a favour, to clear my character, because I am not a prostitute." I did examine her at her own request; she was not only not a prostitute, but she was a virgin.

125. Did your examination inflict any injury upon her?—No; I did not examine her as I should examine a prostitute.

126. It was not a case for a speculum?—No.

127. Mr. *Dalrymple.*] You are aware that the French and Belgian examinations are twice a week; do you think that once in 14 days is sufficient?—I think they never examine women twice a week; at least, when I was in Paris they did not do so. I cannot speak as to Belgium; but I feel assured that in England you could not well carry it out more frequently than it is now carried out.

128. Dr. *Brewer.*] In the use of the speculum is disease communicated?—Most assuredly not; I think that such a thing would be impossible. A professional man who would do so would be utterly unfit for his profession.

129. It is not a fact?—It is not.

130. Mr. *Percy Wyndham.*] With regard to the case of this girl who was brought to you, that was, you say, the only case of the kind?—The only case.

131. Do you think that, as a rule, medical men would be able to find out by examination that there had been, either from maliciousness or carelessness, some error committed in bringing the woman?—The police themselves never bring a woman unless they have clear evidence. They never give notice to a woman unless they have such evidence of her prostitution that they are able to substantiate it before a magistrate. This was a case brought, not by the police, but by the girl's own stepfather, who reported her to the police as being a prostitute, and she herself voluntarily applied for examination for the purpose of clearing her character.

132. *Chairman.*] Are there any other alterations in the Act which you propose?—I think that Section 33 might be amended, so as to give greater encouragement to women desirous of abandoning their present mode of life.

133. How would you propose to alter that section?—The present section, I think, involves too much publicity; I think that the power might be given to the police and to the visiting surgeon conjointly; that is to say, that the police should first find out that it is true; they should then make a report of the matter to the visiting surgeon; he should act upon that report; and if he finds, on inquiry, that there is good cause to believe that the woman has abandoned prostitution, he should then have power to release her from examination. But I think also that, to prevent the possibility of any collusion in any way, it would be desirable that a notice of such a case should in all instances be sent to the magistrates without the necessity of the woman's re-apearing, but that the magistrates themselves should be informed of it in the cases of women who have appeared under a warrant.

134. Sir *John Pakington.*] If I understand you rightly, you would transfer to the police the power which the Act gives to the magistrate?—No; supposing that I, as the visiting surgeon, and the police, may not believe the woman's evidence, or may not believe the report of the police, I would then give her the power of applying to the magistrates for release from examination.

135. But still, I understand that, with your concurrence, the police should have the power, subject to appeal to the magistrates?—Only on appeal to the visiting surgeon.

136. Dr. *Brewer.*] The police are to operate as they do now; but the first referee is the surgeon, and the ultimate referee the magistrate?—The first referee is the surgeon, and the ultimate referee is the magistrate.

137. And in every case the magistrate must have notice of the surgeon's action?—In every case.

138. Sir *John Pakington.*] Would not the difference be, that the reference to the magistrate would not be compulsory in all cases?—It would not be compulsory.

139. *Chairman.*] That is for the purpose of giving greater facilities to those women to abandon their life of prostitution, is it not?—Yes. Not long since, a woman herself applying to be released, said to me, "Sir, well, I had rather come and see you than go before the magistrates. They wish to avoid publicity.

140. Sir *James Elphinstone.*] That objection applies also, I suppose, to the 33rd and 44th Clauses?—Yes; I think those clauses will require corresponding modifications.

141. The 36th Clause is this: "If any person being the owner or occupier of any house, room, or place, within the limits of any place to which this Act applies, or being a manager or assistant in the management thereof, having reasonable cause to believe any woman to be a common prostitute, and to be affected with a contagious disease, induces or suffers her to resort to or be in that house, room, or place, for the purpose of prostitution, he shall be guilty of an offence against

gainst this Act, and on summary conviction
ereof before two justices shall be liable to a
enalty not exceeding 20 *l.*, or, at the discretion
the justices, to be imprisoned for any term not
xceeding six months, with or without hard
bour:" do you not think that, nine times out
ten, those people are perfectly aware of the
ate in which the women who resort to their
emises are?—Yes.

142. Does it consist, with your knowledge,
at such an alteration as this would be bene-
ial, viz., that the person keeping such a house,
ith such knowledge, should be liable to depri-
ation of his license, and to a penalty of 20 *l.*, at
he discretion of the justices?—No doubt it would
perate beneficially.

143. Dr. *Brewer.*] Have you any experience
the fact that in dancing rooms, and places of
at sort, those diseases are communicated; and
so, would deprivation of licence be of advantage
prevent prostitution?—I do not believe dis-
se is communicated in dancing rooms. The
ncing rooms are merely places of resort; and
en, of course, people who meet there go to other
ces.

144. Sir *James Elphinstone.*] But are you aware
at many people who have a license do harbour
ostitutes as a matter of course?—Certainly.

145. And the state of those prostitutes is
tent to the persons who keep those houses, is
not?—Yes.

146. And those women are kept for the pur-
se of inducing soldiers and sailors to resort to
ose houses, are they not?—Yes.

147. Does it not accord with common sense,
at the women must know generally the state of
ch other, and that disease cannot exist amongst
ose people in such a house as that, without its
ing known to one another?—About three
eks ago a brothel-keeper was fined 5 *l.* for
rbouring a prostitute, knowing her to be dis-
sed.

148. Mr. *Percy Wyndham.*] It is met by the
t, is it not?—Yes.

149. *Chairman.*] Are there any other clauses
the Act which you think require amendment?
No.

150. What fresh clauses would you propose?
A woman appearing drunk at the time of ex-
nation, or being guilty of obscene, abusive, or
lent language in the waiting or examination
oms, should be taken charge of by the police
d detained for examination until the following
y, when, if she persists in her conduct or re-
ses to be examined, she should be taken before
agistrate for punishment.

151. Have you had many cases of women pre-
nting themselves drunk?—A very large num-
r; but I have never met with a case of personal
ivility.

152. Have not the police power now of detain-
g her for being drunk and disorderly?—No;
e metropolitan police manage it, and they must
e her to the borough police. If those women
ought that, by appearing drunk, they would
de examination, many of them would come
nk for the purpose of doing so.

153. Has not the metropolitan police officer
w the power of taking up the woman for being
nk and disorderly?—No; he can take her to
e borough police, and hand her over to the
ough police; but if she is taken to the borough
ice, she must be brought before the magistrate,
l her case adjudicated in open court; and it
).87.

seems to me advisable that publicity should as far as possible be avoided.

154. Sir *John Pakington.*] What would you propose should be the future power of the police in such cases?—That they themselves should have the power of detaining her until she was sober, or fit to be examined.

155. Would you propose that they should have any power of punishment?—No power of punishment.

156. *Chairman.*] What period of incarceration would you recommend?—Twenty-four hours would be plenty, I should think.

157. Sir *John Pakington.*] Where would they detain her?—That could easily be provided for by building a detention room in the vicinity of the examination rooms.

158. *Chairman.*] What other new clause would you propose?—I think that a new clause should be introduced defining more exactly the term "common prostitute."

159. What clause is there in this Bill which defines the term "common prostitute"?—There is no such clause.

160. How would you propose to define a common prostitute?—I would first define them as Women who habitually gain their livelihoods, partly or wholly, by the proceeds of prostitution."

161. Sir *John Pakington.*] Is there in the law of England no definition of a prostitute?—I think not.

162. Dr. *Brewer.*] Does not the Act of George the Second, prosecuting brothel-houses, apply?—Yes; but those are brothels.

163. Sir *John Pakington.*] Do you suggest that definition with a view to making prostitution hereafter a criminal offence?—No; but to prevent any possible excess of powers on the part of the police.

164. So that they should not meddle with any woman who did not come within the definition?—Yes.

165. Mr. *Murphy.*] I suppose that has reference to the 15th Section: "Where an information on oath before a justice by a superintendent of police charging to the effect that the informant has good reason to believe that a woman therein named is a common prostitute;" and you want to define, in some way, what ought to be his ground of belief?—Yes: women habitually associating with common prostitutes, being seen in familiar intercourse with them in beerhouses and brothels, or indulging in undue familiarities with men in those different places, might be liable to inspection as common prostitutes. At present the police meet with this difficulty—women come before them and deny that they are prostitutes, and the police say, "How can I say she is a prostitute unless I actually see her in a bedroom for the purposes of prostitution."

166. Sir *John Simeon.*] Are you satisfied with the way in which the police have executed the duties entrusted to them in Devonport and Plymouth?—Most thoroughly; I think that the men are very earnest in their duties, and do them most carefully and conscientiously.

167. Mr. *Mitford.*] Clause 20 refers to the giving of a certificate by the visiting surgeon: "If, on any such examination, the woman examined is found to be affected with a contagious disease, she shall thereupon be liable to be detained in a certified hospital, subject and according to the provisions of this Act; and the visiting

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surgeon shall sign a certificate to the effect that she is affected with a contagious disease, naming the certified hospital in which she is to be placed; and he shall sign that certificate in triplicate, and shall cause one of the originals to be delivered to the woman, and the others to the superintendent of police:" have you any reason to believe that that plan is objectionable?—Not at all.

168. You have no reason to believe that the woman sometimes makes use of that as a clean bill of health when she gets out?—That is only a certificate for sending her into a hospital; they get no certificate of health.

169. Are you aware that the practice at the Lock Hospital in London is to give the certificate to the women themselves when they leave the hospital cured?—They are obliged to do it by law; but I would do away with that altogether.

170. Have you reason to think that that system is objectionable?—I think that the fact of a woman being discharged from a hospital is in itself a proof that she is no longer infected with disease.

171. And you would not wish to give her a certificate, lest she should make a bad use of it?—Most certainly.

172. Mr. *Kinnaird.*] Have you heard of any cases of bad use being made of the certificate?—I have not; but still I see the possibility of a woman giving the certificate to another woman, who would assume the name.

173. *Chairman.*] With regard to the question of enlarging the area of the town of Plymouth, do you put in a Return of the working of the Contagious Diseases Act at this port, dated "Royal Adelaide, in Hamoaze, 1869"?—Yes.—(*The same was delivered in.* Vide *Appendix.*)

174. Will you be good enough to read the result of that Return?—The total will show, that in 100,000 men there would be, on an average, only from 50 to 80 infected weekly with primary venereal sores.

175. Sir *John Pakington.*] Is that in those three towns, or in the whole kingdom?—In those three towns. Of those primary venereal sores, two-thirds at least, under the present system, are not constitutional sores; that is to say, not true venereal sores.

176. Do you mean by constitutional sores, sores affecting the constitution afterwards?—They are not true syphilis; you may understand that there may be a sore which is not true syphilis, and which is not followed by those effects upon the constitution which will affect the man himself, or his future family, or his future wife.

177. Mr. *Dalrymple.*] Venereal, but not syphilitic?—Venereal, but not syphilitic.

178. *Chairman.*] Which would not produce secondary symptoms?—Exactly.

179. You have stated that the result of this Act has been highly satisfactory in the town of Plymouth; do you find any difficulty in stamping out the disease from the fact of the area being circumscribed?—Very great difficulties.

180. You are now limited to a circumference of five miles, are you not?—Under the present Act, we are limited to five miles, or rather, it is more than that; women living within five miles, and coming into Plymouth within 14 days for the purposes of prostitution, are liable to police inspection and surveillance; but supposing they live within the five miles radius, but beyond the parish of Plymouth, and do not come into Plymouth for the purposes of prostitution, they are to all intents and purposes beyond the power of the police. The result of this is, that a large number of women have left Plymouth, and taken up their residence (I speak more especially of the better class of women) in some of the small towns in the neighbourhood of Plymouth, where they can ply their prostitution without the possibility of being interfered with by the police.

181. Dr. *Brewer.*] If you increase that area, do you diminish the possibility of infection?—I think so.

182. Sir *John Pakington.*] Do you mean that the men from Plymouth go out to them?—All those places are places of usual holiday resort for seamen and marines, and they go in and out there constantly. I can give you no better proof than that, on Good Friday last, the Inspector of the Metropolitan Police went to Plympton for the very purpose of seeing if there were many there. He found there on that day 20 women whom, to use his own words, he had "wanted for some time," and of those, six were of the better class of women, and 14 were common prostitutes; they had evaded examination for two or three months.

183. How far is Plympton from Plymouth?—Only five miles; but they had not been seen to come into Plymouth for purposes of prostitution.

184. *Chairman.*] The Act at present has been worked entirely by the metropolitan police, has it not?—Yes.

185. Neither the borough police nor the rural police have anything at all to do with it?—Nothing at all.

186. Do you apprehend that any difficulty would arise supposing that the Act was so extended as to bring it under the borough or rural police?—I do. I think the Act will always work better if it is left in the hands of the metropolitan police.

187. To what extent in distance does the power of the metropolitan police go round Plymouth under the Contagious Diseases Act?—Five miles.

188. But under another Act they have power for a radius of 15 miles, have they not?—They have power under the Metropolitan Police Act for a radius of 15 miles round any garrison, arsenal, battery, or Government establishment.

189. Then how would you propose that the area of this Act should be extended?—I would make the area of the Contagious Diseases Act conterminous with the the area of the Metropolitan Police Act.

190. Sir *John Pakington.*] As I understand your explanation, does not that power of 15 miles apply to Plymouth as being one of the arsenals?—Not for the purposes of the Contagious Diseases Act.

191. *Chairman.*] Will you illustrate the effect of that proposal in the west country generally?—By means of this proposal almost the whole of Cornwall could be brought within the provisions of the Act. A radius of 15 miles from Devonport will take in Foy and East Loo; 15 miles from Falmouth will extend across the country; and I think there are some other batteries, somewhere near Foy, which would take in almost the whole of Cornwall.

192. Under the Metropolitan Police Act, the metropolitan police have power to apprehend deserters, and to enter houses suspected of harbouring stolen Government stores, for a radius of 15 miles

15 miles round any barrack, fort, or naval arsenal have they not?—Yes.

193. Dr. *Brewer.*] There is a battery at St. Ives, is there not?—Yes; and there is a battery at Penzance. There, you see, you get in the whole of Cornwall. Then, in Devonshire, there are barracks at Exeter; and you take in Tiverton and Honiton, which are both manufacturing towns, and in which I know that there is a great amount of disease, for many women have come from Tiverton. Dartmouth being a naval station, it would take in Kingsbridge. In Kingsbridge nearly all the women are diseased; and I say that with some proof, because every woman who is brought in by the police coming from Kingsbridge is found to be diseased, almost without exception.

194. *Chairman.*] In those small towns, are there many prostitutes living entirely by prostitution?—I think that in those little towns there would be not above 10 or 15; probably, in Dartmouth and Kingsbridge together, there would not be above 30.

195. Do you find that you have many women coming from Cornwall and from Exeter?—A good many come from Exeter, and a good many from St. Austle, and a good many from Par, and those small seaport towns; more on the south coast than on the north coast.

196. Dr. *Brewer.*] Do the women from within 15 miles of where you are now labouring carry disease further into the interior of the country?—I have no means of proof of that, but they must do so among the farm labourers and the agricultural population.

197. *Chairman.*] If your plan were adopted, would it not require a very large increase to the metropolitan police?—I think not. I think that one man would be sufficient for the purposes of Kingsbridge and Dartmouth. I think that one or, perhaps, two men would be sufficient for the whole 15 miles round Exeter, including Exeter itself, and for this reason: in all those inland towns the number of prostitutes is comparatively few, and they are nearly all known. In places like Plymouth and Devonport, where they are more numerous, and where they move about between Plymouth, and Devonport and Portsmouth, they have greater facilities for escaping the police than in the inland towns and villages; and certainly in a very small seaport or fishing village, every woman being a prostitute, would be known to the whole of the inhabitants.

198. What would be the effect in those towns, with regard to the police of the towns, and borough magistrates, of having two strange metropolitan policemen put upon them?—I do not think that for a moment they would have the slightest objection; on the contrary, I think they themselves would be pleased at the fact of affording another means for keeping the disorderly persons in order.

199. Sir *John Pakington.*] What are your reasons for distrusting the borough and rural police for such duties?—I fear that local influences might be too often brought to bear upon them, that is to say, a borough policeman, born and brought up in the place, might perhaps be aware of prostitution existing among people whom he would dislike, perhaps from a very natural feeling, to bring under his own notice. I think also that the metropolitan police are so much in the habit of obeying precisely the orders of their superiors, that they are more likely to carry out any instructions given to them, without reference to their own particular ideas, or their own particular opinions.

200. You apprehend the effect of local influences, rather than the want of confidence?—I should be sorry to suggest want of confidence. I would not do that, but policemen are human.

201. Mr. *Kinnaird.*] Do the metropolitan police select men peculiarly adapted for the purpose?—Yes.

202. Therefore you have a good selection out of a large body for a special purpose, have you not?—Yes, they select out of their number those men whom they think best fitted for the purpose. They are all married man, and they are all men especially well known for long previous good character, and for previous fitness for such an appointment, and they are all middle aged men.

203. *Chairman.*] I suppose you attribute the effective working of the Act in some measure to the judicious working of the metropolitan police?—In a great measure.

204. Dr. *Brewer.*] Have you ever detected any violent misapplication of their powers?—Not at all; they have been accused of it repeatedly. They are accused daily of exceeding their powers, and then they are accused of dereliction of duty. I believe, myself, that the men do their duties most honestly, and most conscientiously.

205. Have you ever seen an outrgeous case?—I have never seen any case to warrant even a shadow of complaint.

206. Sir *James Elphinstone.*] Has any woman ever complained to you of her treatment?—Never, on being inquired into. Those women would complain at once if they were listened to, but they never do.

207. *Chairman.*] Should you be justified in going so far as to say that it would be hopeless to attempt to stamp out this disease, unless the area of the town was largely extended?—That is my opinion.

208. Mr. *Percy Wyndham.*] If you are to go so far as a large town like Exeter, does it not follow that to make that of any use, you should extend it also to some other town beyond, from which Exeter is fed?—I am only suggesting in my answers such measures as are practicable. I am not stating that it would be undesirable to extend it throughout the kingdom; I am only pointing out what I consider to be the most effective means of extending the Act, without creating too great hostility.

209. Supposing that the Committee should consider that the difficulty of extending the Act to such a very large area as you propose, would be too great, do you think that advantage would be derived from including those small villages outside Plymouth and Devonport which you just now mentioned?—Clearly; every additional place brought under the provisions of the Act, is so much amount of disease taken away from the population; in fact, to make it clearer, every additional woman brought under examination, is one possible centre of disease removed from the power of contaminating or infecting others.

210. Mr. *Mitford.*] It was stated by Mr. Mallalieu, before the Committee of the House of Lords last year, that it has not been thought desirable to deal with prostitutes who were pregnant, although diseased; have you any suggestion to offer with regard to that?—I would suggest that pregnant women, being prostitutes, should be sent to the union workhouse. The authorities

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of the Albert Hospital refuse to admit diseased women, being pregnant, and they have good reasons for it. They ground their reasons on the fact, that women being pregnant are far more difficult to cure until after their pregnancy; and that it would be undesirable, and almost impossible, without considerably enlarging the hospital, and having extra nurses and a proper staff for attending on those people, to treat women there who might come there for the purpose of being confined; because if pregnant women who were prostitutes, knew that they could go to a lock hospital and be treated, I fear that a very large number would declare themselves to be prostitutes, and would go there, for the purpose of getting a very comfortable confinement; whereas they might be sent to the workhouses, and there they might be detained until they were cured.

211. Sir *John Simeon.*] Have the metropolitan police who have been employed at Devonport, in carrying out the provisions of this Act, been sent down for the purpose?—They are special constables sent down for the purpose.

212. Then the Committee are not to understand, that there is necessarily in all the places in which the metropolitan police have a right, so to speak, there is always a metropolitan force ready to be applied to this purpose?—No, they would have to be created, and it would be at the pleasure of the Committee. Supposing that they thought fit to adopt this suggestion of the 15 mile radius, they might apply it only to such places as they thought fit. It does not follow, because you have the power, that you should apply it, except to such places as you think fit.

213. And the power given by the Metropolitan Police Act to the metropolitan police, merely refers to their being sent down *pro hac vice*, for any particular purpose?—For the apprehension of deserters.

214. Mr. *Percy Wyndham.*] But I understand you, that in recommending this large extension of authority round Devonport, including Exeter, you are contemplating the employment of the metropolitan police?—Yes.

215. And you would not be prepared to recommend that the attempt should be made, to carry out the Contagious Diseases Act, through the agency of the borough police?—On the contrary, I should strongly counsel that it should not be done.

216. Dr. *Brewer.*] Do you do nothing with pregnant women, in the event of their having primary disease?—I send them to the workhouse; but they are not compelled to go, and there is the evil.

217. Mr. *Kinnaird.*] Are the workhouse authorities compelled to take them, if you send them?—No, but they are always willing to do so. A woman, being diseased, and applying for admission to the workhouse, will not be refused admission, but she can leave again.

218. Uncured?—Uncured, unless detained by the surgeon.

219. Sir *John Pakington.*] I think your views have been rather misunderstood by an Honourable Member. I did not understand you to propose that the Plymouth district should be extended to Exeter, but that Exeter should be made the centre of another district?—Certainly.

220. Mr. *Kinnaird.*] During your experience in the hospital, have you found many cases of disturbance or violence in the wards?—Not very many; not nearly so many as might have been anticipated.

221. How have you dealt with those cases, when they have occurred?—When the women have been very violent, they have been brought before the magistrates, and have been sentenced, perhaps to one or two months' imprisonment, according to the nature of the offence.

222. The magistrates complain that they cannot, in such cases, give sufficiently severe sentences; would you recommend any increase of time after repeated offences?—That is a subject to which I have not given so much attention as that my opinion upon it would be of so much value as a magistrate's.

223. Dr. *Brewer.*] Do you do nothing with pregnant women, who are primarily diseased?—The police give them notice if they are diseased, and say to them, "Now, we can get you admission into the workhouse." The woman has the power of refusing to go, and many of them do refuse to go; but if she continues, after this notice, to ply her vocation as a prostitute, she is liable to be apprehended by the police, brought before the magistrates, and sentenced to three months' imprisonment.

224. What do you do with them?—There is the difficulty. I fear that too many of those cases give disease, and it would be no hardship on the workhouses; for the reduction of the disease in Plymouth and Devonport has been something enormous. Whereas three or four years ago, there would have been 170 women treated in a year, perhaps, in Plymouth workhouse, for venereal disease, the number now will not be above 30 or 40.

225. Do you recommend that the operation of this Act should be extended to pregnant women?—Most certainly.

226. Sir *John Pakington.*] The cases of pregnant prostitutes are not common, are they?—They are very frequent; there are now nearly 40 diseased women pregnant in Plymouth alone.

227. You have a number of pregnant women who have children born, and born diseased?—Certainly.

228. Mr. *Mitford.*] Are you aware of an Act which was brought in by the Poor Law Board in 1867, to detain persons who were diseased?—There is that power, but unfortunately it is not acted upon; if the guardians would act upon it, it would meet the difficulty at once.

229. But it is the interest of the guardians not to act upon it, for pecuniary reasons, is it not?—Yes.

230. Dr. *Brewer.*] Do not the children of women suffering from venereal disease, during birth, in passing, occasionally contract opthalmic disease?—Yes; very frequently.

231. Is nothing done to prevent children being so born with ophthalmic disease?—The law gives no power at present.

232. *Chairman.*] To sum up your evidence, it is to this effect, is it not, that there are certain alterations which you would propose in the Act; that you think it absolutely necessary to extend the area of the towns, in order to make the Act effective; that you would not extend to the borough and rural police, any of the powers of the metropolitan police; and that in order that they may have the power which you consider to be requisite, you would extend their powers under this Act, to the powers which they have under the Metropolitan Police Act?—Yes.

Mr. Edward Kent Parsons, M.R.C.S., L.S.A., called in; and Examined.

233. *Chairman.*] You are the Visiting Surgeon of the Portsmouth Lock Hospital, are you not?—I am.

234. In that capacity you have, I presume, had ample means of judging of the working of the present Contagious Diseases Act?—Yes.

235. Have you heard the evidence of Mr. Sloggett, and the alterations which he has suggested in the Act itself?—Yes.

236. Do you agree with him in his views with regard to those alterations generally?—Generally, but not altogether.

237. In what respect do you differ from him?—First of all, with regard to the clause which decides the limit of six months to the retention of those women in hospital for treatment.

238. His first suggestion was with regard to clause 17; he proposed that all women who voluntarily subjected themselves to examination, should be put under the penalties of clause 28; and that they should be subject to periodical examinations, exactly as if they had been examined by order of a magistrate; do you see any objection to that?—I see no objection to that, because it appears that the great object is to prevent the frequent applications to magistrates, which are so unpalatable to those people; and if it can be done by the insertion of a clause of that sort, so as to prevent those constant applications, it would be very desirable.

239. With regard to the alteration in clause 24, what is your opinion?—I think it very desirable that the period of six months should be extended to nine months; but that power should be given to some one, probably to the visiting surgeon, to allow a woman to leave the hospital prior to the expiration of that time, inasmuch as it has frequently occurred, that mothers have come from a distance, and begged to take their children home, promising most faithfully that they should abandon their dissolute life; and to keep them in hospital for nine months is, in such cases, opposed to the wishes of the parents to take them home; under the present Act, there is no power to release them until six months have expired.

240. Would you propose that, notwithstanding that a woman was still diseased, the visiting surgeon, on the application of the mother, should have the power to send her away?—I would, if she did not live in the place, if she went to a distance, and there was ample proof given that the parents were to take care of her.

241. Dr. *Brewer.*] Have you observed that parents are very much involved in the contamination or prostitution of their daughters?—I am afraid it is so, to a great extent.

242. Then would you trust a daughter to a parent under those circumstances?—Not to those parents who lived in the towns; but I would if they came from a long distance, as they frequently have done, begging to be allowed to take their children home, and promising reformation.

243. *Chairman.*] A surgeon now has not that power under this Act, has he?—No one has the power, except at the expiration of the six months, when it is compulsory.

244. You propose that the power of retention should be extended to nine months, but that the visiting surgeon should have the power of sending the woman away even in six months, if he chooses?—Not of sending her away; but there are some few instances in which it strikes me, that a woman might be allowed to go. There have been painful applications from girls who are evidently desirous to reform, in consequence of the deaths of parents, and similar occurrences; and if they are prevented from going, I think it makes them more reckless.

245. Could it not be done on application to a magistrate?—No, because they are in the hospital; they are still diseased, and the magistrate has not the power to discharge them.

246. Mr. *Tipping.*] Would you not greatly lessen the propects of cure by allowing the parents to take them home previous to the completion of the treatment?—Yes; but my recommendation was rather with a view to reformation than to cure; I think that where parents come from a distance, and want to take their children away, and where the children are willing to go, and promise reformation, if you forbid it until the nine months have expired, you lose, in some instances, the chances of reformation.

247. *Chairman.*] But surely for the child's own good, it would be better, would it not, to keep her there, where she is under the actual supervision of an intelligent officer, than to take her to a poor home, where she would not be so well cared for?—One would think so; but we practically find that it is not so.

248. Mr. *Percy Wyndham.*] Would not the prospect of the girl's cure be a very doubtful one if she was sent away in that manner?—It is open to that objection.

249. Is not that, in your mind, a very considerable objection?—I throw it out rather as a matter for consideration, whether there should not be left a door open, under certain conditions, for women leaving the hospital under nine months; the cases would be very few.

250. Dr. *Brewer.*] Would not that really produce this effect: that any parent might take a girl out under any pretence whatever, merely saying that she was going to take her away, and that the operation of the Act would so be rendered altogether nugatory?—I think one would require, in such cases, some evidence or guarantee of good faith.

251. Mr. *Tipping.*] You merely wish it to be optional?—Entirely.

252. Sir *John Pakington.*] To give a discretion?—Just so.

253. *Chairman.*] With reference to Clause 32, Mr. Sloggett has suggested that the order for examination should be available for a year, and should not cease on the woman's being released from the hospital, unless she gave up prostitution; do you agree to that?—I am afraid that that has not been carried out at the station at which I am acting. The police consider the written signature of the woman consenting to periodical examination to hold good for 12 months, whether she has been an inmate of the hospital or not. It must be known that periodical examination has not existed so long at the station at which I am acting as it has at other stations.

254. Marquis of *Hamilton.*] For what length of time has it existed?—About five months. I think it commenced in January.

255. *Chairman.*] With regard to Clause 33, the modifications of that clause, which Dr. Sloggett

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gett suggests for the purpose of giving greater facilities to a woman to give up her life of prostitution, are, that she should, by a policeman, be exempted from those exceptions; do you approve that suggestion?—I think it very desirable indeed that the visiting surgeon should have the power of relieving the woman from periodical examination, for this reason: as the Committee are aware, the women have the power of appeal to a magistrate, but of that they will not avail themselves, because they are obliged to go into open court, and it at once intimates to their own friends that they have been guilty of some indiscretion; consequently they far prefer to come to me for a periodical examination, rather than to go before a bench of magistrates, although either alternative is a very painful one.

256. Have you had many instances of women presenting themselves for examination in a state of intoxication?—No, I have only had three, I think.

257. Would you agree with Mr. Sloggett in his suggestion that there should be a new clause giving power to the police to detain in custody drunken women for 24 hours?—I would. The Lords of the Admiralty suggested a course of that kind, and sent down directions that some such course should be adopted; but upon further consultation, I believe, with their legal officer, it was determined that this Act did not give them such power; and, moreover, the metropolitan police stated that they had no places wherein to keep those women, and therefore it fell to the ground; and the Lords of the Admiralty eventually wrote another letter to direct that the matter should go on as it had done.

258. But do you think it very desirable that that power should exist?—Very desirable. It is not a very frequent occurrence, but still it does occur, and it is very desirable to prevent it, if possible.

259. You have been at Portsmouth, have you not, ever since this Act came into operation in 1866?—Yes.

260. What is your opinion of the effect of the working of the Act in Portsmouth itself?—There cannot be the slightest doubt in the world that it has produced an enormous amount of good, both in the diminution of disease, and unquestionably in the amendment of its character and violence; and I hold that it has done great good in the reduction of prostitution.

261. Sir *John Pakington.*] Is the number of prostitutes very much reduced?—I think so.

262. *Chairman.*] Has the moral effect been good in reclaiming prostitutes?—Decidedly so. I think that the prostitutes of a large town have never been fairly brought under the advice of clergymen, because they have not the opportunity of considering it quietly; but now, during a residence in the hospital, they are well cared for, and comfortable, and amused, as they are at Plymouth, they are more amenable to such advice.

263. Dr. *Brewer.*] Are they tolerably amenable to discipline?—Yes, as a rule. There have been some few violent creatures who are sadly noisy.

264. *Chairman.*] Was there much resistence to the Act when it first came into operation at Portsmouth?—Yes, at first.

265. Was it very unpopular?—I would not say that it was very unpopular; but it was much more so than it is in its present state. I think it is now becoming popular. I have heard no objection at all expressed among the women for some months.

266. Sir *John Pakington.*] Do you mean that it is becoming popular with the women themselves, or with the general public?—With the women themselves. I think that, with the general public, the Act has always been very popular.

267. Sir *James Elphinstone.*] The women were in a very bad state when the Act first came into operation, were they not?—Fearful. Not only the diminution of the disease, but the alteration in its character, is something very marked, and the improvement in the women themselves is very marked.

268. Mr. *Percy Wyndham.*] Has it had a humanizing effect upon them?—Certainly.

269. Sir *James Elphinstone.*] Are they beginning to adopt habits of cleanliness?—In a very marked degree.

270. *Chairman.*] Can you furnish the Committee with any returns of any women who are leading a life of prostitution at Portsmouth?—I could do so, but unfortunately I only yesterday received notice to attend, and I have not those statistics with me.

271. Could you send to the Committee a list of the number of women living in prostitution at the time that this Act came into operation, and the present number, and of the number of cases in the first year and the number at the present time?—Yes, I will do so.

272. Dr. *Brewer.*] Have you much new importation of disease in Portsmouth?—We have.

273. From what sources is that disease derived?—Chiefly from surrounding towns.

274. Mr. *Mitford.*] The essence of the Act is the periodical examination, is it not?—Quite so.

275. *Chairman.*] How is it that the Act has only come into operation within the last five months?—By the orders of Government.

276. Mr. *Mitford.*] You have not had accommodation?—That is the cause.

277. Sir *James Elphinstone.*] What is the limit of age of the women?—From 12 years to any age. My memory tells me that 12 years is the youngest that I have ever known, and I should think the ages go nearly up to 70.

278. Are those little girls, when cured, discharged on the streets again?—Yes, unless they are willing to go into a reformatory.

279. Do you agree with Mr. Sloggett in his proposal that we should insert a clause in this Bill, making it compulsory that those children should not be returned to their old course of life or to their parents?—I should offer the greatest facilities in the world for getting them into reformatories; but I should scarcely like to go so far as to enforce their being sent into a reformatory where they would be detained by law. I understood the Honourable Member to ask me whether I thought that these girls of 11, and 12, and 13 years of age, instead of being discharged when cured, should be obliged by law to go to a reformatory for a specified time.

Mr. *Sloggett.*] I alluded only to those children whose parents were encouraging them, and keeping them in habits of prostitution.

280-81. Mr. *Kinnaird.*] Would you not be glad to see such children kept in a reformatory for a short time?—It might happen that their parents might be willing to take them home, and to keep them

them off the streets; and I would not suggest that the law should interfere between the parents and the children, if the parents would do their best to reclaim them.

282. Sir *James Elphinstone.*] Do you concur in what Mr. Sloggett has said?—I cannot say that I do. I think that it would be objectionable to punish a child for that which is perhaps brought about by the father himself. There are many mothers and fathers (and fathers particularly) who, one is ashamed to say, live on the prostitution of their children. I know an instance where a man has three children, of the ages of 11, 12, and 15, and he lives entirely upon the prostitution of those three girls. He has literally enforced it upon them; and you would scarcely impose a penalty, or imprisonment tantamount to it, upon those girls.

283. Dr. *Brewer.*] Would you then send the cured child back to her father?—She would go out upon the same condition as she would if she were a few years older, and upon her own basis.

284. She goes back to her father's house, does she not?—No; not in all cases. In this case two of the girls resisted. I know the children, and I spoke to them of the enormity of the crime. One is now gone to a reformatory, and one is still with her father. The other has never been with her father, and she is still a prostitute upon the town, but away from her father's roof.

285. Mr. *Kinnaird.*] Will you add to the return, which you are to furnish, the exact number of prostitutes who have annually gone to a reformatory since the commencement of the operation of this Act?—I will.

286. Sir *John Pakington.*] Did you hear the evidence of Mr. Sloggett, with reference to the diminished number of prostitutes, and the number of women who have abandoned prostitution since the Act came into operation at Devonport?—I did.

287. Is it your opinion that the good effects of the Act at Portsmouth have been at all equal in extent?—Yes, they have been very marked in some degrees; there is no doubt that a number of women have left the streets and have reformed. It is a very well known fact that a large number of them marry, and many become reformed characters, and hence I thought of suggesting that some power should be given to the visiting surgeon, when he becomes acquainted with the facts, as he does through the evidence of the police, to relieve a person of that sort, and not that she should be compelled to go to the magistrates in order to obtain her release; because, if she does so, she at once tells the man whom she has married that she has been a prostitute.

288. Do you attribute those good effects which you have described to the operation of the Act?—I do.

289. Mr. *Percy Wyndham.*] Could you give us any figures to show us the numbers?—I could do so; that is, evidence which reaches one through the police.

290. *Chairman.*] Do you find great difficulty staring you in the face, from the fact of the area being so confined?—Yes, undeniably; I need only instance what occurred yesterday. Two women voluntarily came to me, one from Southampton and one from Chichester, both fearfully diseased; the class of disease being such as we have not witnessed for many months past in the town. They came into the town on the preceding day; one was led to ask a little about it. The one from Souhampton walked the whole distance on the prior day, and they slept in the town on the Tuesday night, and were obliged to avail themselves of an act of prostitution in order to pay for their lodging. So that there are cases in point, in which at least two men were probably diseased. I have not yet heard who they were, but I have directed the police to inquire, and probably it will soon be ascertained.

291. Sir *John Pakington.*] Do you know who the men were?—One of them was a sailor, belonging to one of the ships, and the other was a civilian. I am afraid I could not find out the ship, because there are several ships lying there, and the woman was a stranger, and she merely knew him as a sailor; but the police are endeavouring to find them out.

292. *Chairman.*] Have you found much disease to be brought in by the ships?—It is the opinion of the police, and it is certainly my own opinion, because, prior to the coming of the Channel squadron to Spithead, within the last few weeks, the average of our beds filled had been reduced to 114, which was the number of the women in the hospital under treatment; and in the two weeks following that, the average was raised to the full strength of beds, which is 120, thereby showing that there was an increase, and my impression was that it arose from the coming of the squadron.

293. Dr. *Brewer.*] How many days did you allow for the incubation of the disease?—Two weeks.

294. *Chairman.*] And two weeks after the arrival of the reserve squadron, you found this increase?—Yes.

295. Mr. *Tipping.*] Was there any pressure on the hospital for more who could not come in, behind the 120?—Yes, we had three or four standing waiting for admission.

296. *Chairman.*] Were those people who were waiting for admission under treament?—I have subjected them to a certain amount of treatment, but it was very incomplete, of course. I have given them remedies which they have taken away with them.

297. Do you find that many women go out of Portsmouth for the purpose of escaping from this Act, and locate themselves in some neighbourhood just outside the area?—Yes, some few have done so. They go as far as Havant, which is a town eight miles beyond the five mile area, and I know that the women come into the town by day, and make appointments, and probably carry on prostitution, and then they go away by night, and they are without the compass of the metropolitan police.

298. Has a metropolitan policeman the power of taking up one of these women, if he finds her plying her trade in the daytime?—No woman has ever been taken up by a metropolitan policeman simply on account of that. The only course open to him is to go before a magistrate and lay an information that he has reason to believe that she is a prostitute; but out of many thousands that I have examined, I do not think there have been above three or four orders from a magistrate.

299. But supposing that one of those policemen knew that one of those women from Havant was in the habit of coming into the town of Portsmouth during the day, and plying her trade, and he suspected her of being diseased, he would have to go before a magistrate, and lay a declaration to that

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effect, and then he could lay in wait for her, and take her up, could he not?—I suppose he could. I think the metropolitan police believe their powers to be limited by this Act. I do not think they have any knowledge that they have powers under the Metropolitan Police Act, but it is not within my knowledge that they ever exercise those powers in any way.

300. Therefore, directly a woman goes outside the five miles area, she is really lost to the police is she not?—Yes.

301. Dr. *Brewer.*] To what sources do you look for the keeping up of venereal disease in Portsmouth?—To the proximity of large towns, and to the migratory charater of those people who travel about much more than the public generally think.

302. In your opinion, what would utterly prevent the extension, or even the existence of disease in Portsmouth?—I believe two things are necessary: one is the extension of the area, taking in the large towns around, and another would be some more stringent laws relative to soldiers and sailors, in the way of medical examination.

303. Do soldiers bring disease as well as sailors?—Much more. The proportion of indulgences, I should think, is the ratio of four or five to one. There are more soldiers under treatment in the garrison hospital than sailors.

304. Is the disease as violent among sailors?—I think not.

305. Do sailors bring true syphilis?—True syphilis is becoming very rare.

306. And every case you have is an imported case, is it not?—Yes, generally.

307. From what place?—I could scarcely tell. There is a great deal brought from abroad still.

308. Is it brought from America principally?—There is a great deal brought from America, I believe still.

309. Mr. *Tipping.*] Were the two bad cases of which you spoke, one of which was from Southampton, cases of true syphilis?—The Southampton case was a case of true syphilis, and, as far as I can trace, that came from the West Indies. The other said that she had had the primary disease for, I think, three months, for two months of which time she had carried on active prostitution, and the last month she was physically incapable from pain.

310. *Chairman.*] You have heard Mr. Sloggett's suggestion with regard to extending the area, and making it conterminous with the area of the Metropolitan Police Act, that is to say, that a metropolitan policeman should have a power for a radius of 15 miles, of which he was the centre; do you approve of that suggestion?—Yes, upon the principle that it would take in of course Winchester and Chichester, which are large towns. Winchester, I believe, would take in Southampton, it is important that this town should he included. We are more than 15 miles from Southampton.

311. Sir *John Pakington.*] You are more than 15 miles from Winchester, are you not?—Yes, but Winchester would be a centre, and that would take in Southampton, I think, although I am not aware as to the distance.

312. Mr. *Mitford.*] In the same way, Chichester would be a centre, would it not?—It would. Both Chicester and Winchester would be centres, and that would include all the towns which one requires, except the Isle of Wight, and that would be another centre.

313. Supposing that it were extended to Winchester, Southampton, and Chichester, can you provide for the disease that would come from those places as well as for your own?—I think, we could, but it would require a little extension, I do not think 120 beds would be sufficient for such an extension.

314. Have you any idea what number would be sufficient?—I think 40 or 50 more beds would suffice for all those places.

315. Dr. *Brewer.*] And you hope to be able to stamp it out by this means?—I should scarcely say that we should be able to stamp it out.

316. What extra means do you hope to provide yourself with to prevent the importation of syphilis from sailors and soldiers?—I would have some system of examination carried out in the navy. I would not allow a sailor to come on shore on leave in a town like ours, without previously undergoing a medical examination. If he comes on shore for two or three nights, and has disease, he does as much harm as will counteract all the good that may be done otherwise.

317. Do the sailors and soldiers object to examination?—Of that I have no personal knowledge.

318. Mr. *Percy Wyndham.*] You were speaking about the Channel Fleet; formerly sailors were examined, were they not, in the same way that soldiers were until within the last five years?—I believe so.

319. Would it not be a very good plan that that practice should be again adopted?—I think so, and that until some step of that sort is taken, you will never stamp it out.

320. You stated that the amount of disease was much greater among the soldiers than the sailors; do you not attribute that to the fact that the one has much more frequent opportunites of connection than the other?—Simply to that. A soldier is always present, and is out every day, whereas sailors are only out occasionally.

321. Mr. *Mitford.*] You heard what Mr. Sloggett said about pregnant women; do you adopt the same practice?—No; we act differently; we take them in.

322. Dr. *Brewer.*] Are women confined in your hospital?—Occasionally we admit them. When I had the honour of mentioning this very circumstance to the right honourable baronet, the Member for Droitwich, when he was at the Admiralty, he directed that a couple of beds should be set aside for pregnant women, in case we could not get rid of them before the time at which their confinements took place. Practically, some three or four women have been confined within the hospital, but just prior to the completion of their time, negociations take place with the guardians, and they are taken to the union; but they do not go back on to the town. They remain at the union for a month, during which time the probability is that they are cured.

323. Have you been able to preserve from disease children who are born while the mothers are in that state?—Those children who have been born while in hospital have not been subject to any disease.

324. Have you had any cases of acute ophthalmia?—No.

325. Mr. *Percy Wyndham.*] Why was the practice of examining sailors given up?—I do not know at all.

326. Lord *Charles Bruce.*] In the Schedule to the

ıe Act there is a form of notice to a woman aving the hospital uncured, which applies to ction 34 of the Act; have you had any such ases?—That certificate it is necessary to give, think, because it would have a desirable effect, nd she dare not show it.

327. Dr. *Brewer.*] But, with regard to the rtificate of health, does she not show that?—he does show the certificate of health; it is, ractically, the French system; it is a certificate f health, and it has no advantages that I can see.

328. Except that she plies her trade with it ıore satisfactorily?—Yes; I have known cases ı which the certificate has been shown.

329. Would you advise that that should be one away with entirely?—Yes.

330. Mr. *Mitford.*] Would you think that the rtificate should be given to the police, instead f to the woman herself?—That might be done; ıy objection is entirely to giving it to the woıan herself, inasmuch as she uses it for the very urposes for which the French do.

331. If it were given to a superintendent of olice, that would meet the requirements of the resent Act, and it would do what you think ould be desirable?—Yes; I see no objection at ll to that; I only object to the woman having it erself, and making use of it.

332. Dr. *Brewer.*] You keep a copy of every ure, do you not?—Yes, the proof can easily be scertained, because a woman can prove that she as been in the hospital, and she can prove, by ıeans of the medical staff of that hospital, that he has been discharged as cured.

333. Mr. *Murphy.*] An entry to that effect ight be made in the books of the hospital, might not?—Yes. It is so done at the present time.

334. *Chairman.*] Are you of opinion that it ould not be advisable to extend the Act beyond ıe area over which the metropolitan police have ower?—I should hold the opinion, that to every art of the United Kingdom to which it could be xtended, it would be an advantage as far as the uccess of the Act goes.

335. Do you think, from your experience of ıunicipal bodies, and of watch committees, and f the local police generally, that they would be kely to administer this Act, which requires some elicacy in handling, as well as the metropolitan olice?—I should say that you should merely xtend it to a certain area, because to a great xtent it is still an experiment; take every ıeans to make that experiment a fair test, but do ot go beyond the proposed limit; because I am ertain, from my knowledge of the town in which live, that the public are not prepared for a reater extension; it would be unpalatable to the ıajority of local authorities.

336. Dr. *Brewer.*] Has any woman been rought to you not diseased?—Yes.

337. Has she been brought to you by false ccusations?—Yes.

338. Has any injury to person or to feeling een done to that individual to your knowledge?—No injury to person, but a considerable injury o feeling.

339. Mr. *Percy Wyndham.*] How far does the istrict round Portsmouth extend?—Five miles, nder the present Act.

340. But that does not include Havant, does t?—No.

341. Do you think that much advantage would ccrue from extending the district, so as to inlude Havant and those small villages which may be called the outskirts of Portsmouth, unless a further extension was made so as to include large towns like Chichester, to which you have alluded?—I think it necessary to go as far as Chichester on the one hand, and Southampton on the other; I think, that unless you include those towns and the Isle of Wight, any extension would be useless.

342. Do you not think that carries the whole question of extension to the whole kingdom; because if you go as far as the farthest town which you have mentioned, there must be another town, north, south, east, or west, of that, to and from which women are passing?—Yes; but we find that sailors, or soldiers, who are the chief parties to be benefited by this Act, go probably within a radius of eight or nine miles round, but they do not go further.

343. But are not fresh regiments coming in from other parts of the country?—Yes; but an extension of this kind would take in all the military stations; it would take in Chichester and Winchester.

344. Sir *John Simon.*] Chichester would be a centre of itself, would it not?—Chichester would be a centre of itself. Aldershot is strongly under the Act now; London is not under it at present.

345. Dr. *Brewer.*] How do you obtain the information of a woman not being guilty of prostitution being brought before you as a public prostitute?—I knew one instance of my own knowledge, by my happening to know the woman as a respectable married woman. She had been guilty of a little indiscretion; she had, I believe, even accosted one of the police officers themselves, not for the purpose of prostitution, as he admitted, but she was, to use his own term, "Larking about the streets," and he concluded that she was a prostitute.

346. What injury occurred in consequence of that case being brought up to you?—No injury, except to her feelings at having been brought there.

347. Was there any malice on the part of the officer?—Not at all.

348. Have you ever had a case of malice?—Never.

349. Upon the whole, do you find any fault with the police?—Not at all; I think that whatever fault would be committed, would be a want of judgment, and not an intentional fault; and I think that power given to the visiting surgeon to relieve from examination would cancel the injury which arises.

350. Was this women examined?—No; this woman was not examined, because I knew her to be a respectable woman, and I declined to examine her, and the police noted that, and nothing further has been heard of it.

351. Could any modified examination be suggested in those doubtful cases, or where a woman protests her own virtue?—No modification of the examination could take place; but I think power might be given very fairly to the visiting surgeon, if he is satisfied in his own mind, by the manner of the woman's giving her evidence, and conduct of the woman generally, that she is an innocent person; because I need scarcely say that there is a wondrous difference in the manner and deportment of the two classes. He should have the power of saying to the police, "I believe this woman to be a modest woman, and that you

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have made some little mistake;" and she might be relieved from coming again.

352. Have you no such power under this Act?—No; having been brought up by the police, the women must then apply to the magistrates for relief. I do not see how there could be any modification of the absolute medical examination. You must medically examine her, or else you must decline to do so upon your own responsibility. You frame your opinion from the manner of the woman. One or two women have willingly offered to take their oaths that they were modest women, and nobody has power to relieve them but the magistrate, to whom they are unwilling to go.

353. *Chairman.*] Were they brought up by the police?—They were. The only alternative they have is to go before the magistrates, and the magistrates have relieved them. I have pointed that out to one or two, and they say, "Oh dear no! I would rather not do that for any consideration. I would far rather come for periodical examination for 20 years. I do not mind coming before you, sir;" because the examinations are very private; whereas, if they go to the magistrate's court, it is known all over the town, and the husbands and friends become acquainted with it.

354. Do you suggest that the visiting surgeon might protect a woman from examination altogether, if he was sufficiently convinced from moral reasons that she was not diseased?—Yes. If he has it satisfactorily proved to his mind that the woman is a modest woman, and that she is never again seen in places where prostitutes assemble, and if there is no fresh repetition of ground of suspicion, I should say that the visiting surgeon should have the power of relieving her.

355. And he has not that power under this Act, has he?—No.

356. Mr. *Kinnaird.*] He would give her a certificate, and then she need not appear before the magistrates?—He, the visiting surgeon, should have the power without the necessity of the woman going to a magistrate as at present.

357. *Chairman.*] Have you had many cases of virtuous women so brought up?—No, not many.

358. Have you had half-a-dozen such cases during the whole operation of the Act?—I should think less than that; but I should observe that the cases of women who have been so brought up have occurred recently, and since the periodical examination was enforced; prior to last January, none of those cases occurred. The imperfections of the Act never became apparent until after January, because a sufficient number of diseased persons was so easily found to fill the beds, that there was no difficulty about it. Even those who came voluntarily and asked for admission were sufficient to fill the beds, and now the police are obliged to go in a much wider circuit round the town, into the suburbs, and so on, to find disease.

359. Sir *John Pakington.*] Do you require more beds?—No; although there are nearly double the number of women brought under the operation of the Act that there were originally.

360. *Chairman.*] You mean that the visiting surgeon should have the power of giving a woman what may be called a certificate?—I would rather say that he should not give a certificate, but that he should have the power to relieve her from coming again, and give notice to that effect to the police.

361. Mr. *Kinnaird.*] In the instance which you have mentioned, what would have happened if you, feeling it just and right so to do, had quietly let the woman go without examining her?—I did it in that case on my own responsibility, for the simple reason that I happened to know the woman, and I knew that she was not on the town from personal knowledge of her for many years; I knew her husband.

362. If you were only carrying out the spirit of the Act by so doing, what could have been done to you for it?—I believe I am bound to examine every woman, whether presenting herself under a magistrate's order or voluntary submission. If unjustly examined, I apprehend the woman would have her remedy at law.

363. Mr. *Percy Wyndham.*] But, practically, there is very little fear of cases of that kind occurring, is there?—Very little.

364. Supposing that one of those policemen were to bring to you a modest woman; would she have any difficulty in bringing before you such evidence as would enable you to discharge her?—That is just the point; unfortunately, I am not the person to decide upon that evidence. They have to go to the magistrate to produce that evidence; which going before the magistrates is especially unpalatable to them, because it makes it more public, and that they wish to avoid.

365. Sir *John Simeon.*] You, in fact, in this case, undertook a responsibility which you would be glad to be free from in any future similar occurrence?—Just so; but I think that the power should appertain to some one (and perhaps there is no one better than the visiting surgeon) of saying to the police, "In my opinion, you have committed an error. This woman, I have reason to believe from her statements, is not what is understood by a common prostitute. I shall, on this occasion, let her go; and let it be a distinct understanding that, if she is again found in any places giving rise to suspicion, she will again come here, and then she must be subjected to periodical examination."

366. *Chairman.*] That is a power with which you would invest the visiting surgeon?—Yes, I would.

367. Sir *John Pakington.*] I understand that you wish to increase the power of the visiting surgeon in two directions; that is to say, you wish to enable the visiting surgeon to exempt a woman from examination if he sees good reason; and you would also invest the visiting surgeon with a power to relieve women from liability to examination?—Exactly.

368. Do you find, from any experience which you have had, that the powers of the metropolitan police at Portsmouth have not always been judiciously exercised?—Not at all. I base my opinion upon my own observation. In the first place, I believe that the alteration which I suggest will render the Act more popular; and that it will make those people subject themselves to its provisions with far greater willingness. They think, and very naturally, that when a woman has left the traffic of prostitution, and is married, as a great number are, that it is hard that they are still subjected to being brought before the visiting surgeon; all I can say to them is, that they must apply to a magistrate. Then they say, "We cannot do that."

369. When you speak of so many women having

ıg married, have you found that for the most art they marry respectably?—Many do; it is ıy own statistics that tell me the fact. I could ot have believed it myself; but many of them ıarry exceedingly well.

370. On the whole, is it your opinion that the owers of the metropolitan police on this subject ave been carefully and well exercised?—I think ɔ; but it must be borne in mind, that the prac- ical execution of the Act is confided to a class of ıen who probably are not the best versed in sing judgment as to their selection; they see a oman out late of an evening, and they are very able to jump at the conclusion that she is a rostitute.

371. *Chairman.*] What is the number of the etropolitan police force in Portsmouth?—There re a large number at the dockyard; there are our men employed for the purposes of this Act; n inspector and three constables.

372. Sir *John Pakington.*] Are they distinct om the dockyard police?—They are part of he dockyard police; I believe they have some ther duties, but that is their chief duty.

373. Sir *John Simeon.*] In the case of a woman ıarrying respectably, she would emancipate her- elf from those recurrent examinations, would he not; and unless she was found under circum- tances of suspicion, the law compelling her to ubject herself to subsequent examination, would ot be put in force against her?—I do not know hat the Act contains any clause which would ree her from that, otherwise than by application ɔ the magistrates, and that they abhor; they say ıat it is a public notice that they are, or have een, prostitutes, which they would gladly avoid. hen, again, there can be no reasonable doubt hat many of those girls become engaged to be ıarried, to sailors especially; and I have every eason to believe, that for some little time prior ɔ their marriage, they are living modest lives. f that class of women could be relieved, it would e a great point, because many sailors will not ıarry those women while they are coming to the isiting surgeon. They say, "No, you are a ublic prostitute; I will have nothing to do with ou," and therefore it rather stands in the way f moral reformation.

374. Dr. *Brewer.*] What is your definition of prostitute?—Any woman whom there is fair nd reasonable ground to believe is, first of all, oing to places which are the resorts of prosti- utes alone and at times when immoral persons nly are usually out. It is more a question as to nannerism than anything else.

375. Must she be making her livelihood by t?—Yes, she ought to be; but, if you confine ourself to that definition, all I can tell you is, hat your Act will never succeed. The amount f clandestine prostitution is very large. I think he definition here, of "common prostitute," is ery objectionable, inasmuch as I have heard it tated, by those who wish to object to the Act, hat you have no right to bring under the pro- isions of the Act what may be called the better lass of prostitutes, who, they say, are not com- non prostitutes.

376. Sir *John Pakington.*] Is there much isease among those women to whom you refer s clandestine prostitutes?—Yes; quite enough o neutralise any good effect from the Act. Unless your Act encompasses, or includes, every lass of that sort, you cannot possibly hope to xtirpate disease.

377. Mr. *Tipping.*] What is the proportion between the numbers of clandestine or partial prostitutes, and the numbers of those who practise what may be called impartial prostitution, which would include the *inscrites* (as the French would call it), or registered prostitutes?—I should think, at a rough guess, half. I believe that, before the Act came into operation, the Government applied to the metropolitan police to supply them with some statistics as to the number of women. They went through all those large towns, Portsmouth, Plymouth, Devonport, and so on, and they endeavoured to find out from the brothel-keepers, and publicans, and others, the number of women gaining their livelihood by prostitution. I know very well that now that number is doubled; and I believe that the increase has arisen from the discovery of persons who are attempting clandestine prostitution, because the openly avowed common prostitute is as well known as anyone else.

378. Mr. *Percy Wyndham.*] What course have the police of Portsmouth taken with regard to that class of girls who perhaps are employed all day in milliners' shops, but who supplement their earnings by nightly prostitution?—The plan I believe adopted is this; that those four men whom I have mentioned are about the town, in those thoroughfares, and those parts of the town where those people generally congregate; and they become acquainted with their faces, and they see them associating with common prostitutes, and so give them notice to attend voluntarily for examination or otherwise, they, the police, will lay an information before the magistrate upon that suspicion.

379. In point of fact, they have classed them as prostitutes for the purposes of this Act?—Yes.

380. Dr. *Brewer.*] Would the words "plying for hire" be a satisfactory definition of prostitution?—I am afraid that that would not include all that I should like to see included; you want something including more than that.

381. Lord *Charles Bruce.*] What other definition could you give?—I think the Act says, "some fair and reasonable ground for believing."

382. It says here, "from information on oath, laid before a justice by a superintendent of police"; does the information always come from the police?—Always.

383. Do they get information from the women themselves?—Yes; the police get a great deal of information from the women. It is a very common thing for a woman to say, "well, I have no objection to come; I like coming up here. I am very willing to avail myself of the Act; but why does not so-and-so" (naming a person who is carrying on clandestine prostitution) "do so?"

384. Marquis of *Hamilton.*] Are the constables in plain clothes or in uniform?—In plain clothes.

385. Mr. *Percy Wyndham.*] Did I understand you to say that you would wish to see this Act extended to all places where soldiers and sailors are quartered?—Yes.

386. And failing that, you would like to see the areas round the stations, which are at present under the Act extended as much as possible?—Yes.

387. Dr. *Brewer.*] Would you wish the area to be as large as the metropolitan area, which is 15 miles?—Yes.

388. Sir *James Elphinstone.*] And that each

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station for troops or barracks should be a centre?—Just so.

389. Sir *John Pakington.*] How far is Chichester from Portsmouth?—Between 17 and 18 miles; but that would include Emsworth.

390. But a radius of 15 miles from Portsmouth would not include Chichester, would it?—No; but Chichester would be a centre of itself. There are troops at Chichester and at Winchester. Southampton would come within the Winchester range, I believe, although I am not certain of the exact distance, and that is really the most important town of all. There is a fearful amount of disease there.

391. Mr. *Kinnaird.*] You say that you have 120 beds; how are they provided?—Under the present Act, as I think the right honourable Baronet, the Member for Droitwich is aware, the War Department pay for certain stations, and the Admiralty for the others. The Admiralty pay for Devonport and Plymouth, and I think for Chatham and Sheerness.

392. Have they hospitals of their own? No; there is an arrangement with the civil hospitals.

393. What do the Government pay per bed?—The Government pay 35 *l.*

394. Dr. *Brewer.*] What is the average duration of time of the curative process in each case?—The whole of that information can be procured from the Admiralty, or I can send it up to the Committee myself, but I am not able to answer the questions now.

395. How many cases have you had admitted into your hospital?—I should think 1,700.

396. Are you generally full?—Yes. The average was going down, as I mentioned just now, prior to the arrival of the fleet; and therefore I say that as the average increased, it was not a very unfair conclusion that the increase was caused by the arrival of the fleet. I do not say that it was so, but I only mention the fact.

397. How many new admissions are there into this hospital every year?—I should think that in the whole year we admit about between 500 and 600, but I will furnish the Committee with the exact figures.

398. *Chairman.*] With regard to the modification of the Act which you propose as to the examination of women who are really modest women, and who have been brought up under some error by the police, does a woman sign a paper before you examine her?—Yes; they all sign a voluntary submission, unless sent by order of a magistrate. I could not examine, neither have I ever examined, any woman without a voluntary submission, except those who were sent by order of the magistrates.

399. Supposing that a woman is brought up by the police who is a modest woman, surely she would decline to sign that paper, would she not?—No; for this reason; the police, believing the correctness of their own impression, say, "Very well, if you do not sign that, you go to the Bench;" and then the woman says, in order to avoid that, "I do not mind going into a private room and speaking to Mr. Parsons," and she will sign the voluntary submission.

400. Therefore they sign a voluntary submission under the fear of being taken before the magistrate?—Unquestionably.

401. Sir *James Elphinstone.*] What proportion of those women cannot sign their own names?—A great number of them cannot.

402. Dr. *Brewer.*] Are there many married women who are common prostitutes?—Yes; there have been many who have been married, and separated; and some of them have been married five or six times.

403. Sir *John Pakington.*] Do you consider that much disease is brought into Portsmouth by merchant ships?—I think not. The amount of merchant shipping at Portsmouth is not very large. I have had reason to believe that at Emsworth, which is the resort of a number of small trading vessels and colliers, and ships of that sort, there is a great deal of disease. That is a small town between Portsmouth and Chichester, on the coast. We have had very many women, inmates of the hospital, who have come from Emsworth diseased.

404. Is Emsworth within the Act at present?—No; but it would be under such a suggestion as has been made.

405. *Chairman.*] When you quoted the increase of the disease on the arrival of the Reserve Squadron the other day, you were aware, I suppose, that it was an exceptionally manned fleet?—I do not pretend to offer any explanation; I thought it would be desirable for the information of the Committee to tell them that such had been the fact; I should be sorry to charge anyone; but I simply tell you the facts as they occurred; I would not wish anyone to understand positively that that was the cause.

406. But when a ship of war arrives from a foreign station, it is like a regiment arriving in a town; do you find that there is a traceable increase of disease immediately consequent upon that?—No; one ship would scarcely supply it, I think.

407. Does a regiment do it?—Yes; a regiment does it, undeniably.

408. Dr. *Brewer.*] I suppose the fact of the case is, that during the voyage the men are cured, and therefore do not give the same amount of disease?—Exactly; in the same way that it is held that a woman, after she has been in the hospital for some time, although her malady is not entirely cured, is not so contagious as she was before; I would suggest that if some steps could be taken to prevent men either in the army or in the navy from distributing the disease in the way that they do, you would attain a greater amount of success. That is the chief loop-hole by which the evil takes place.

409. Mr. *Percy Wyndham.*] Do you find as a matter of fact, that when a fresh regiment comes in to one of the stations to which the Act would apply, the ratio of disease immediately goes up?—It is a fact.

410. Dr. *Brewer.*] Do you know whether disease has been extensively communicated by women who have been restored to health coming out of the hospital, and associating with men immediately afterwards, the women giving the disease to the men?—I do not see how such a thing could be possible. The only way of accounting for it would be the conclusion that the woman was not cured.

411. But, practically, do women who are allowed to go out of hospital as cured, and who have connection with men that night, or subsequently, produce disease in those men?—I do not believe that they do, because I am quite satisfied that every possible means is taken to prevent every woman from leaving before she is cured. It is quite possible that a woman discharged as cured might have a relapse of the disease

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lisease in a week's, or a fortnight's, or a month's time, but that she never leaves the hospital until she is apparently cured, I am perfectly satisfied.

412. Is Gonorrhœa produced?—Possibly.

413. Sir *John Simeon*.] You have suggested that it would be advisable to give to the medical officer more power and greater responsibility as to releasing a woman whom he believed not to be a prostitute from examination; do you think that there would be any practical objection to giving a medical officer the same power of relieving from future examination a woman whom he believed to be reformed, and to be likely not to return to a life of prostitution?—No; those are the two points which I would suggest as being very desirable, in order to make the Act more popular with those people, and as doing away with the source of injured feelings.

414. You would see no harm in entrusting to the medical officer the power which is at present solely vested in the magistrate?—I cannot possibly see any harm, because the object of the medical officer would be to exercise the power as little as possible. The larger the number of persons under the Act, the greater the chance of success, and I cannot see that he could possibly do any harm.

415. Sir *John Simeon* (to Mr. *Sloggett*).] You heard the question which I just put to Mr. Parsons; he suggested that it would be advisable to give power to the medical officer not to subject to examination a woman whom he had reason to believe was unjustly brought before him as a prostitute; do you hold the same opinion?—I think that a notice should also be sent to the magistrate at the same time, to avoid the possibility of its being said that the visiting surgeon had been actuated by an improper motive; those accusations may be made at any time, and I would do away with anything which would give rise to the possibility of such accusations being made; and if the visiting surgeon's recommendations are also sent to the magistrates, it throws the responsibility over a larger number of people, and on that account I would like notice to be given to the magistrates.

416. Then you would admit, would you not, that cases of hardship might arise, as in the instance of a woman who was going to be married, or who was desirous of emancipating herself from her past career, and who at the same time was under the law to the extent of being subject to periodical examination?—That hardship would be done away with at once. If a woman brings witnesses that she is going to be married, or that she is married, the visiting officer should have a discretionary power to order the police not to cause her to re-appear; but he should at the same time send a notice to the magistrates that he has done so.

417. At the same time, that would prevent any injurious consequences arising to the woman from any publicity attending the application, would it not?—Entirely; while the magistrates would be aware that women who had formerly been prostitutes were being re-claimed.

Mr. Edward Swales, M.R.C.S., L.S.A., was called in; and Examined.

Mr. *E. Swales*, M.R.C.S., L.S.A.

418. You are Visiting Surgeon at the Lock Hospital at Sheerness, are you not?—I am.

419. Have you been so ever since the Act of 1866 has been in operation?—I became so very soon afterwards.

420. Sheerness is somewhat exceptionally situated, I believe, inasmuch as I think you have no hospital accommodation?—We have no hospital at Sheerness; we send the patients to the Lock Hospital at Chatham.

421. Does Chatham also come within this Act?—It does.

422. Do you find that this Act has been very beneficial at Sheerness, both as regards the number of cases, and as regards the character of the disease itself?—It has been exceedingly beneficial in both respects. There is no doubt that we could have entirely got rid of the disease if we had not had it imported at times.

423. When you speak of the disease being imported, do you mean that it has been imported by ships coming to Sheerness, or by people coming from outside the area of five miles?—I mean principally from soldiers coming from unprotected districts; from Warley, for instance.

424. Mr. *Kinnaird*.] Is Warley a large depôt of soldiers?—Yes, I think it is; it is an Artillery depôt.

425. *Chairman*.] And from sailors also?—And from sailors also.

426. When the Act first came into operation, it was not very popular, was it?—It was not. I think the prostitutes seemed to look upon it more as a punishment at first than anything else.

427. Was there great difficulty in getting them voluntarily to confess their illness?—There was.

428. Since then, have you found that it has been more successful?—Very much more successful. They believe now that it is for their good, and they come up quite willingly, of their own accord, and are examined.

429. You have heard Mr. Sloggett's suggestions with regard to alterations and modifications in the Act, have you not?—I have.

430. Do you agree with him in all his views?—I do.

431. With regard to extending the area of the Act, do you find considerable difficulty meeting you from the fact that your power is limited by the limitation of five miles?—No, we do not, from the peculiar position of Sheerness, being an island in itself. We have no place in close proximity from which disease would be likely to be imported, except Sittingbourne and Milton, where there are no troops or sailors, so that it is of less importance to us than to other places. There is one place, the Isle of Grain, where a new fort has been built, just across the Medway, which should be included. There are always a number of soldiers there, and there is a small village springing up there, about a mile from the fort. A good many prostitutes go there.

432. Do you find that prostitution itself has been decreased by the operation of this Act?—Yes, I think it has had a very good moral effect, inasmuch as it has allowed them time for reflection.

433. Could you give the Committee any statistics of the number of prostitutes in Sheerness before the operation of this Act, and the number there at present?—At the commencement we had about 65, and there are about 10 less at the present time.

434. Were there only 65 prostitutes in all Sheerness?

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Sheerness?—Only 65 under the surveillance of the police.

435. Mr. *Kinnaird.*] Is there a good deal of semi-prostitution in Sheerness?- Yes.

436. Dr. *Brewer.*] What would stamp out the disease in Sheerness?—Entire isolation, and not having it imported.

437. Mr. *Percy Wyndham.*] Is it not the fact that the Act has been more successful at Sheerness than at any other station?—It is.

438. To what do you attribute that?—Entirely to our peculiar geographical position.

439. *Chairman.*] What are the number of cases that you have now?—I think at present we have six or seven in the hospital altogether.

440. Can you give the Committee a return of the number of cases you have had this year, and last year, and the preceding year?—I could send up to the Committee a return showing the relative number.

441. Mr. *Percy Wyndham.*] You have sometimes had not a single diseased woman in the place, have you not?—Yes.

442. I see that Mr. Mallalieu gave evidence that there was one month in which you had not a single diseased woman in the place?—Yes.

443. *Chairman.*] What is the accommodation in the Lock Hospital at Chatham?—Thirty beds, I think.

444. This Act is entirely under the metropolitan police, is it not?—It is.

445. Do you agree with the Witnesses who preceded you, who objected to its being put under the borough or rural police?—I think the metropolitan police have managed it admirably with us. There has been one detective at Sheerness all the time, who is a most effective man, and he has carried it out thoroughly well.

446. Do you find that the metropolitan police have brought up by mistake many women who, in fact, have not been prostitutes, but who have been modest women?—No; I have not had one such case.

447. Dr. *Brewer.*] What do you do with married women who are prostitutes?—We take them in all the same; pregnant women we send to the workhouse.

448. Are they attended to at the workhouse?—Yes.

449. Have you known any cases which have not been attended to at the workhouse?—I have not.

450. Marquis of *Hamilton.*] Are they bound to take them in at the workhouse?—They would be bound to take them in, because they would become paupers.

451. *Chairman.*] Do many women object to going there if they are sent there?—No; we have only had four or five such cases altogether, I suppose, from the commencement of the operation of the Act.

452. Mr. *Kinnaird.*] Where is the workhouse situated?—About two miles from Sheerness.

453. Sir *John Pakington.*] I understood you to say that from the peculiar locality of Sheerness, the extension of the powers of the police to a radius of 15 miles would be no great advantage to you?—It would not.

454. Dr. *Brewer.*] Have you much itch amongst this class of women?—Not very much; not so much as one would expect.

455. *Chairman.*] Is it prevalent among the soldiers at Sheerness?—It is not.

456. Mr. *Percy Wyndham.*] Supposing that the areas of other stations were extended sufficiently, so as to bring about the isolation which you have at Sheerness, from your geographical position, do you see any reason why there should not be a still greater diminution in the amount of disease?—The fact is, Sheerness only proves how much the Act of Parliament would do if properly carried out.

457. Mr. *Mitford.*] I see, in the evidence of Mr. Romaine last year, that the Lock Hospital attached to your place was at Rochester, and not at Chatham?—It is not at Chatham, but it is called the Chatham Hospital.

458. Do you find any disadvantage in giving the certificate of cure to the women themselves, as you have to do under the provisions of the Act?—I have often thought that they might use it as a clean bill of health.

459. Do you think it desirable that it should be given to the superintendent of police instead?—Yes, I should think it desirable.

460. Mr. *Percy Wyndham.*] Have you any reason to believe that the number of loose women in Sheerness who have married, or who have taken to leading moral lives, has increased since the operation of the Act, as compared with the time previous?—I have no means of judging of that fact

Mr. Peter Leonard, M.D., called in; and Examined.

Mr. *P. Leonard*, M.D.

461. You are Inspector of Certificated Hospitals, are you not?—I am.

462. And in that capacity you have had experience of the working of this Act over all the towns in which it is in operation, have you not?—I have been doing the duty ever since the first Act was put in operation.

463. With regard to the general success of the Act, what is your opinion?—I think that the Act, so far as its limited powers have allowed, has been most successful.

464. At the present moment it is limited to 12 stations, is it not?—It is.

465. Will you enumerate those stations?—Devonport, Portsmouth, Sheerness, Chatham, Aldershot, Woolwich, Windsor, Colchester, Shorncliffe, Cork, The Curragh, and Queenstown.

466. With the exception of the three places in Ireland, the Act has been entirely confined within the area of the metropolitan police, has it not?—Quite so, and they have worked it very well.

467. You have heard the evidence which has been given by Mr. Sloggett and others, with regard to modifications and alterations in the Act; do you concur in those alterations?—I concur very generally in the suggestions made by Mr. Sloggett.

468. Do you think that this Act, as far as its present extent goes, requires those alterations, and that with those alterations it would work better than it does now?—Much better. If the area was extended, the Act would work much better.

469. But with regard to the Act itself, do you think that if those alterations were made, it would work better?—I think it requires some alterations

alterations very materially. The assimilation of the 17th Section to the 28th is, I think, very much wanted.

470. That was also proposed with regard to the 32nd Section; what would be your view as to that?—I should think it is very necessary to amend that also.

471. So as that unless a woman proves that she has given up habitual prostitution, she should be still subject to periodical examination?—Yes.

472. With regard to the 24th Section, as to increasing the duration from six to nine months, what is your opinion?—I think it is very desirable to extend that. It is more especially wanted now, because we have discovered that there are a number of incurable cases, and it is very desirable to give time to ascertain whether cases are incurable or not. (*Vide* Table in Appendix.)

473. Sir *John Pakington.*] Do I understaud you to say that there is any considerable proportion of prostitutes who become so diseased as to be incurable?—A considerable number become so diseased as to be incurable.

474. Dr. *Brewer.*] Do you not think that that arises rather from imported disease, true syphilis, than from any extension of the modified disease common to England?—I am speaking of cases which have been many years upon the town (as it is called), and who have become so thoroughly impregnated with the syphilitic poison that it is almost impossible to cure them of it, and who are also diseased in other respects. Such cases as those, I conceive, should not be kept in the Lock Hospital, but should be sent either to a general hospital or to the union.

475. Sir *John Pakington.*] Can you at all state what proportion of prostitutes you think are in this state of incurable disease?—I can give the Committee the results of the last quarter's return, both at Portsmouth and Plymouth, as to that fact, if they will allow me to do so. During the quarter ending the 31st March last, there were two cases sent from the Devonport Hospital discharged incurable. (*Vide* Table in Appendix.)

476. Dr. *Brewer.*] What was the nature of their disease?—That I cannot state, without looking at the register; there was syphilis.

477. Was it true syphilis?—True syphilis.

478. Imported syphilis?—Yes.

479. Not modified by transmission?—I cannot answer that question satisfactorily.

480. Sir *John Pakington.*] You were proceeding to give us the proportion of prostitutes who are incurable; will you continue your statement?—From the Portsmouth Hospital there were two incurable cases discharged during the last quarter. One was sent to her friends, and the other to a reformatory.

481. Can you carry that far back, since the commencement of the operation of the Act?—I can give it for some time past; but those returns have only been sent in within the last 12 months. (*Vide* Table in Appendix).

482. I presume that those women who are affected by long standing complaint to such an extent that you cannot cure them, must always be in a condition to communicate disease to men?—I should be afraid that that would be so, and they ought to be taken care of; that is to say, simply, that they ought to be segregated from the public, so that they may not spread disease. There is always the liability, if a woman has secondary or tertiary syphilis, that she may spread disease.

483. I presume, from the answers which you have given, showing that there have been four incurable cases in those two hospitals in the last quarter, that there must have been a considerable number since the Act came into operation?—A very considerable number. During the quarter ending 30th September 1868, five incurable cases were discharged from Devonport Lock Hospital, and three from that at Portsmouth. (*Vide* Table in Appendix).

484. In what manner have those cases been treated?—In some of the stations the woman has been received at the union, and then she has been kept and treated there; in other cases women have been merely discharged from the hospital, and allowed to go at large. But it appears to me that something should be done to keep those women apart until they are thoroughly well, if they are ever to get well.

485. But you cannot keep an incurable woman apart until she is thoroughly well?—No, but while there is any risk of spreading the disease, she should be segregated in some way.

486. Have you any suggestion to offer as to the best course to be pursued in such cases?—I should say the best course would be to keep an incurable patient in the workhouse of the neighbourhood.

487. Dr. *Brewer.*] With regard to disease, the word of course means two things: a woman may be diseased with relation to herself, and diseased with regard to her relationships outside. In these cases have you any women diseased in relation to other people, or do you use the word simply in relation to the woman herself?—Simply in relation to herself. It is quite possible that the disease may be communicable, though it cannot be ascertained with certainty.

488. Sir *John Pakington.*] But is it your opinion that an incurable case of syphilis is communicable, or not?—That is very questionable. It is a matter of medical opinion altogether.

489. Mr. *Percy Wyndham.*] Is it not the fact, with regard to these incurable or obstinate cases, whatever kind of syphilis it may be, that they are the result of neglect, and that they could have been cured if they had been treated at an early stage?—There is no question about that.

490. Therefore, supposing that this Act can be more rigidly enforced, those cases might from time to time disappear, might they not?—Certainly.

491. Do you consider that the effect of this Act, during the two years that it has been in operation, has been not only to reduce the number of syphilitic cases generally, but also to reduce and modify the character of those cases?—There can be no question that that has been the effect to a very large extent. At all the stations in the first schedule in the Act, the number of common women examined during the third quarter of 1868 was 5,073; and there were found diseased amongst them 1,220. The number of common women examined in the March quarter of 1869, that is last quarter, was 6,974; and of those were found diseased 1,254; only 34 more than on the previous occasion; that is to say, out of nearly 7,000 women examined, there were only 34 more found diseased than there were out of 5,073 in the previous quarter.

492. *Chairman.*] But how is it that there were so many more examined?—The periodical examinations had been commenced and continued regularly.

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regularly. Every woman has latterly been brought forward for examination once a fortnight.

493. It does not mean that prostitution has been on the increase, does it?—No; many of those women have been examined, over and over again.

494. Is it your opinion that the operation of the Act has reduced the number of prostitutes?—It is my opinion that it has reduced the number of prostitutes immensely.

495. And that it has had a good moral effect as well?—Certainly with the young a deterrent effect.

496. Dr. *Brewer.*] How many women have been brought up to be examined who have not been diseased?—Some of the weekly returns will show that at once; I have the weekly returns for the whole of May, at Devonport; the number of women brought forward for examination, on the 1st of May, was 178, and the number found diseased out of the 178, was 29. (*Vide* Table in Appendix).

497. Were they all prostitutes that were brought before the visiting surgeon?—They were all prostitutes; on the last day of May 211 were brought forward, and only 12 were found diseased, so that on repeated examinations the number brought forward exhibits a smaller amount of diseased.

498. Marquis of *Hamilton.*] Then there were a number in hospital at the same time, were there not?—The number in hospital on the 1st of May was 123, and 111 on the last.

499. *Chairman.*] Is it possible to strike anything like an average of the time it takes to cure an ordinary case of syphilis?—The average is stated in most of these returns. The average time required for cure at Portsmouth, during the quarter ending the 31st March last, was $40\frac{1}{4}$ days, or in round numbers, 40 days. At Devonport the average time was about 31 days.

500. Would any return show how often the same woman has come into the hospital?—I think I can answer that question as to two places during that period; at Plymouth, out of 403 patients admitted during the quarter, there were 71 for the first time in hospital, 86 for the second time, 85 for the third time, 68 for the fourth time, 43 for the fifth time, 27 for the sixth time, 14 for the seventh time, 6 for the eighth time, one for the ninth time, and two for the tenth time.

501. Were those women who had been in hospital so often, subject to the fortnightly examinations?—Latterly.

502. And they became diseased between the time of their first and second examination?—The periodical examinations only commenced at a recent period, and these women had been in hospital very often long before that; I am not able to state how often they have been in since the periodical examinations commenced; I think it would be only ascertained by referring to the register.

503. Sir *John Pakington.*] But the periodical examination has lasted much longer at Plymouth than at Portsmouth, has it not?—No; just about the same time, I think, five months or so.

504. *Chairman.*] I suppose you attach the greatest possible value to the periodical examination?—It is of the utmost importance.

505. It is, in fact, the whole key to the Act, is it not?—It is the whole key to the Act, and it is of the utmost importance that these examinations should be carefully carried out.

506. Mr. *Percy Wyndham.*] Why was not that adopted before?—Because there was not accommodation; I must say that the Act has not had very fair play in that respect, the accommodation is barely sufficient now in most places; at Plymouth, I believe, there is now a difficulty in filling the beds, but for the last fortnight or three weeks the Portsmouth Hospital, with 120 beds, has been kept constantly full, and some patients could not be accommodated. There have been three or four, I notice, for whom there was not room; therefore I infer that there is not sufficient accommodation at Portsmouth.

507. *Chairman.*] With regard to Aldershot, how do you find that the Act works there?—It seems to answer remarkably well; they have not had sufficient accommodation until recently, but a new wing has been built there for 40 or 50 more beds, and it is to be hoped that now we shall have a better result than formerly.

508. In the neighbourhood of Aldershot there are villages full of prostitutes just outside the five-mile limit, are there not?—Yes; and they lie about the hedges and ditches.

509. And they are in the habit of crossing the border during the day time and going out at night?—Yes; and of course that vitiates the Act altogether.

510. So that really the prostitution in Aldershot has not been very much decreased by this Act?—Very little.

511. Mr. *Percy Wyndham.*] They come to Aldershot from all parts, do they not?—From all parts, and they congregate there.

512. When you are aware that a woman is diseased, and you have no room in the hospital, has she to await until there is a bed vacant?—There is a record kept of the names of women in a diseased state, and when vacancies take place, the police bring them in.

513. Sometimes the delays have been, I suppose, considerable?—Sometimes the delays have been very considerable.

514. Would not great mischief arise in consequence of those delays?—Yes.

515. *Chairman.*] Are there at Aldershot many women who voluntarily submit themselves to periodical examination, who live within the limits of the metropolitan police area for the purpose of pursuing their prostitution, and who become, so to say, certified prostitutes?—Yes; I think I can give you the number during the whole of May at Aldershot and at Shorncliffe. There were 104 brought forward at Aldershot by the police for examination on the 1st of May; nine of these were found to be diseased, and admitted to hospital, and 35 remained under treatment. The number rejected as not diseased was 65.

516. What became of the balance?—During the catamenial period the women cannot be examined, and that makes the difference. There were 30 women on that single occasion who could not be examined from that cause; and what I want, if it could possibly be done, is to get them detained until they are in a fit state to be examined, but it is a difficult thing to do, and I do not see my way to that.

517. Sir *John Pakington.*] Those women are brought up by the police, and they might be brought up again a few days afterwards, might they not?—That is the only thing we can do with them at present; but it is a great pity that those women cannot be detained, because very possibly one-half of them may be diseased.

518. *Chairman.*

518. *Chairman.*] Would you propose that any oman who submits herself to examination, under ose circumstances, should be kept in durance ntil she can be examined?—Yes; but there is a fficulty in getting space for those purposes.

519. How many of those 104 women who came p for that examination were habitual prostiutes?—All of them. On the 29th day of May, 6 prostitutes were brought forward at Aldershot or examination, and 13 were admitted to hosital, 22 were excused from the same cause as efore, and 61 were rejected as not being diseased; 2 remained in the hospital.

520. Dr. *Brewer.*] Is there any connection beween the proportions of 96 and 104, and 9 and 3; is it that the 96 had plied their trade more consequence of the diminution of the number f prostitutes?—It is impossible to tell how it as. The police brought forward 104 on one day, nd 96 on the other. I suppose that that was ll they could get. I merely give the facts as ey appear on the lists sent to me.

521. Mr. *Mitford.*] From what return do you uote those figures?—It is the weekly return nt by the visiting surgeon at Aldershot to the War Office, and it is submitted to me afterwards, nd I make those quotations from it.

522. *Chairman.*] Would it not be quite impossible to keep down prostitution in a central lace like Aldershot, unless you had a very large rea around it which is kept clear?—Quite impossible; you cannot do it without the areas eing extended.

523. Do you mean to such a size that the oldiers cannot get out of it?—Exactly; and it is very difficult thing to do that.

524. Dr. *Brewer.*] Have you any notion where ose women come from?—I could give you the irthplaces of a great many of them. For inance, I have heard the examination to-day, and think it very desirable to have the limits of e Plymouth and Portsmouth stations extended. can give you the places where the women come om there, which I think is very interesting. he residence and birthplace of 127 out of 403 rostitutes, who were admitted to Plymouth ospital during the past quarter, that is, the uarter ending the 31st of March, were born in ither Plymouth or Devonport, and with few xceptions, the rest were born in the neighbourng villages, towns, and counties; but the necesty of extending the Act is shown in this, that xeter contributed 16, and every place between xeter and Plymouth on the railway line, sent a w, and the same on the Cornwall line; Truro nt 14, Penzance and Falmouth 12 between em, and Jersey supplied eight. I think that ows the necessity very strongly.

525. Mr. *Mitford.*] How do you get at the formation?—From the "Medical Register," nd from the people themselves.

526. Dr. *Brewer.*] Do they tell the truth?—ou must take it for what it is worth; you have o other means of getting at the truth.

527. Sir *John Pakington.*] To what extent ould you increase the area round Aldershot?—would increase it to the extent of the metrolitan police boundary, 15 miles; and include ny large town a short distance beyond that.

528. But do you think that a smaller radius f 15 miles would not answer the purpose?—I o not think it would.

529. *Chairman.*] Do many women go from London to Aldershot for a day, and go back at night?—I do not think many do that.

530. Most of the lower class of women who receive the soldiers are located in the villages about, are they not?—They are located in the villages about; and not in the villages only, but in the hedges and ditches.

531. Lord *Charles Bruce.*] Have the police now any power to remove those women within the military circle of the camp, which is a mile round the camp?—Yes.

532. Dr. *Brewer.*] Have you taken the place of residence of the 104 women at Aldershot?—I have not, but I dare say the visiting surgeon could give the Committee all the particulars about it. He could give you, at all events, the places of residence generally. They resort to dancing rooms and public-houses in the neighbourhood. There are a great number of such places just without the boundary of the camp all round. There are many more prostitutes at Aldershot than 104; those were only the number examined on the 1st of May. On the 15th of May there were 131 examined. With regard to the extension of the area, the number of those who were admitted to the hospital at Portsmouth during the last quarter amounted to 203; of those 74 were born in or near Portsmouth, and 45 in a circle including the Isle of Wight, Southampton, Salisbury, and Winchester, showing the necessity of the extension of the Act in that direction. When I visited the Portsmouth Hospital only a few days ago, I found that the worst cases of disease in the hospital came from Southampton, beyond the limits of the station.

533. *Chairman.*] With regard to Aldershot, is it your opinion that it is impossible to do much good under this Act, unless you extend the area?—I am quite of that opinion.

534. Mr. *Mitford.*] Could you tell the Committee if there is any system of inspection of men in the Navy on board ship?—I understand that there is an order given by the Admiralty, that the men shall be inspected before they land, on a ship arriving.

535. Mr. *Percy Wyndham.*] Are they inspected two or three days after they have gone to sea?—I should fancy that that must be done also.

536. *Chairman.*] Could you give the Committee any information with regard to Colchester?—I can give you similar information to that which I have given with regard to the other towns.

537. You know that it is said by some that the Act has not been so successful at Colchester; is that so?—It has scarcely had time to have any effect yet.

538. It has been in operation there as long as it has been in operation at Plymouth and Portsmouth, has it not?—The hospital was only opened a few months ago; it was certified in the "Gazette" on the 22nd January.

539. Mr. *Percy Wyndham.*] There was a difficulty in getting hospital accommodation there, was there not?—There was an excellent civil hospital there; and I asked the managers to admit those patients to it, and Government would pay for them, but they objected. The hospital was about two-thirds empty, and it was expected that the managing committee would agree to admitting those patients, but they would not hear of it on any account. The governors objected to it in the strongest terms, and I was obliged to give it up.

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540. Dr. *Brewer.*] Was it upon economical grounds that they objected?—No; they objected to have any contagious disease in the hospital; in fact, there was a clause in the regulations of the hospital that no contagious disease should be admitted.

541. Does Colchester exhibit a greater number of diseased women at this present period than at any previous period?—I believe there is a very small number brought forward there. The number brought forward on the 22nd of May was only 15, and the largest number has been 21.

542. *Chairman.*] Is the Act popular in Colchester?—So I believe. No difficulty has arisen yet in getting women to come forward voluntarily.

543. I see that in one of the answers which you gave in your examination before the Committee of the House of Lords, you say that it is not popular in some places, and that at Colchester it is not popular?—That is alluding to the introduction of the Act at Colchester; and I gave as evidence that the governors of the Civil Hospital objected to admitting the cases at all.

544. And they declined to give a ward for that purpose, did they not?—They declined to give a ward for the purpose; they declined to give any aid at all in the matter.

545. Dr. *Brewer.*] Is the surgeon at Colchester Dr. Nunn?—It is Dr. Waylen.

546. *Chairman.*] But now you do not think that the Act is unpopular, either with the authorities or with the women?—Not at all. The authorities never interfere in any manner, because we have now a hospital of our own, erected by the War Department, a visiting surgeon and metropolitan police, to carry out the Act without reference to the authorities.

547. Dr. *Brewer.*] Is there a great increase of disease in Colchester since the operation of this Act?—No. We have only 25 beds, and therefore we cannot have many patients brought forward; the beds have been always kept pretty full. We have 628 beds altogether under the Act in all the 12 stations.

548. Can it be ascertained how many patients have been treated?—Yes. (*Vide* Table in Appendix.) In addition, there is a hospital in course of erection at Chatham for 88 beds, and at the Curragh for 41.

549. *Chairman.*] Do you know what accommodation there is at Maidstone?—There is no accommodation whatever at Maidstone. We are in hopes that the hospital now erecting at Chatham will accommodate the patients, supposing that Maidstone, and Gravesend, and Woolwich are included.

550. What hospital accommodation is there at Winchester?—None at all.

551. Sir *John Pakington.*] Nor at Southampton?—No. The hope is, that if the Act is extended, as it is proposed, there will be sufficient accommodation at Aldershot for the Winchester cases.

552. That is a long way, is it not?—No, it is not very far. The Southampton patients must be accommodated at Portsmouth, and there is room to extend the hospital at Portsmouth, though their beds are quite full at present.

553. *Chairman.*] Is there any hospital accommodation whatever at Dover?—There is no accommodation whatever.

554. What is proposed to be done if the Act is applied to Dover?—There is a small hospital at Shorncliffe, and it is to be hoped that a new hospital will be built to be used for the whole district, Dover, Shorncliffe, Deal, Walmer, Canterbury, and all places near.

555. Mr. *Mitford.*] Is the Shorncliffe hospital large enough for the wants of Shorncliffe?—It is large enough for the mere camp, but it is not at all adequate to the district. There are only 25 beds. A number of patients from Windsor, Woolwich, Chatham, and Aldershot, are sent to London, because there is not sufficient accommodation at the particular stations.

556. *Chairman.*] What is the average cost of each bed?—It varies very much indeed. In London it is very moderate; the cost being 25 *l.*, that is the cheapest of the whole; I do not know how they can manage to do it, but they do it. At Chatham it is about 40 *l.* At our own military lock hospitals it is 38 *l.*

557. Mr. *Kinnaird.*] Are they equally well treated at the London Lock Hospital, and have they every comfort?—Yes; some very able men attend on the patients there.

558. *Chairman.*] What is the reason of that difference in the price?—I cannot understand how it is at all.

559. Have you any general suggestions to make to the Committee with regard to the working of this Act, either in those towns in which it is now applied, or in any other town to which it is proposed to apply it, or with regard to the construction of the Act itself?—I approve very much of all that Mr. Sloggett has said regarding the improvement of the Act; I should be very glad indeed to see some measures taken to keep pregnant women in a place by themselves, either in the hospital or in the union; I do not think it is a proper thing that a woman in that state should be kept in the Lock Hospital, but I think that she certainly should be placed in the union until her child is born. (*Vide* Table in Appendix.)

560. Dr. *Brewer.*] Compulsorily?—I think so; I am supposing that she is diseased. Then women with nursing children, I think, should be put in the union in the same way if they are diseased, so that they may be kept apart from the others. At Portsmouth, when I visited it a few days ago, I found actually five women there with young children at the breast, all illegitimate.

561. Mr. *Kinnaird.*] In what respect is that objectionable?—I think it is objectionable to have children in the same ward with diseased women. The children might possibly get the disease themselves, and it is as well to avoid all chance of that.

562. You would have them removed to the union?—Yes. There might be some understanding with the Government with regard to the payment. I think, regarding the catamenial cases, that it would be well if we could possibly manage to keep them until they are fit to be examined.

563. *Chairman.*] Are you averse to extending the area of this Act beyond the powers of the metropolitan police, and putting it under the borough or rural police?—I think that the metropolitan police have managed the matter hitherto well. They are well organised, disciplined, and kept in hand well, and they do the duty, I think, better than the rural and borough constables would do it. The country police do not understand those things well; and in some places there is a good deal of local prejudice, whereas the metropolitan police are men selected for the purpose, and well-ordered men, and we can put more confidence in them in consequence. The number of women not examined during the quarter ending

ing March 1869, owing to catamenia, was 503. hink that is a very serious matter. Those nen are brought forward by the police for mination, and they are not examined in con- uence of that natural cause; and they go out continue their vicious course of life. There e examined and found diseased, 1,254 women ing the quarter; the number discharged preg- t was 7; incurable, 28; received at "homes," and by friends, 48; showing that there has n some good done already in respect of their rmation.

64. Dr. *Brewer.*] Have you any statistics o the number of children who, within 14 days heir birth, are found to be infected with some hilitic taint, such as acute inflammation of the s, or ophthalmia?—I have not; but I have here e statistics as to civil hospitals. At Birming- h 48 in, and 436 out-patients, at the general hospital last year, were suffering from venereal disease, and many more were known; 242 suf- fered from venereal disease at the Queen's Hos- pital, among 622 patents, or 38 per cent. At the children's hospital, from one-fifteenth, to one- tenth of all cases treated were examples of hered- itary syphilis.

565. Sir *John Pakington.*] What per-centage would that be?—I do not know the per-centage, not knowing the number of cases treated.

566. Sir *John Simeon.*] Do you know any- thing about the sanitary condition of the agricul- tural population in the neighbourhood of Alder- shot?—No; I have no means of knowing that. I think that it is very possible that if the Com- mittee were to procure the attendance of the visit- ing surgeon, Dr. Barr, he might be able to give them some information about it.

Monday, 28*th June* 1869.

MEMBERS PRESENT:

Dr. Brewer.	Mr. James Lowther.
Lord Charles Bruce.	Mr. Mills.
Lord Eustace Cecil.	Mr. Mitford.
Mr. Collins.	Mr. Murphy.
Mr. Donald Dalrymple.	Sir John Pakington.
Mr. Kinnaird.	Captain Vivian.

Captain The Hon. J. C. W. VIVIAN, in the Chair.

Mr. John Coleman Barr, M.D., called in; and Examined.

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567. *Chairman.*] Can you furnish to the Committee a return of the women detained in hospital at Aldershot, under "The Contagious Diseases Act, 1866," with the nature of their disorders specified according to the classification issued from the War Office, since the commencement of the application of the Act?—Since April 1867, the total number of women who have been detained for treatment, has been, in the Aldershot Hospital, 1,274. From the same station there have been sent to the Lock Hospital in London, 285. The total number separated has been 1,559, that is to say, detained for treatment. The nature of their disorder has been gonorrhœa and syphilis, and their complications.

568. When did the Act first come into operation in your district?—It first came into operation in my district in April 1867. The women at that time found diseased, to the number of 20, were sent to the Lock Hospital in London.

569. What hospital accommodation have you at Aldershot?—There was no hospital opened until the 28th June following that; then we had 30 beds; now we have the number increased to 90.

570. What happened to the women before?—Those who were found diseased were sent to the London Lock Hospital up to a certain number. Some of course, for whom there was not accommodation, were compelled to be allowed to go at liberty again.

571. Latterly there has been fresh accommodation made at Aldershot, has there not?—Yes, we have now 90 beds, and the beds at the London Lock Hospital are relinquished in consequence.

572. When was that new hospital completed?—It has been completed about five or six weeks.

573. How many beds do you say there were before?—Before that there were, from 28th June, 1867, 30 beds, until the 20th of August of the same year. The number was then increased to 50 beds, and we have had 50 beds from that time, until about five weeks since, with 20 beds at the London Lock Hospital.

574. When this Act first came into operation, did you find that the women voluntarily submitted themselves to examination?—I could scarcely say that any of them voluntarily submitted. When I say that, I mean that there was some difficulty at first, but afterwards when they were made to understand it, they voluntarily submitted.

575. Does that return which you have just given of the number, include the number confined in hospital in London as well as at Aldershot, or only at Aldershot?—Only at Aldershot.

576. What is the total number of women who have been confined at Aldershot, and in London in the Lock Hospital, since April 1867?—One thousand five hundred and fifty-nine.

577. Can you inform the Committee how many of those women who have come under your notice have abandoned their life of prostitution?—I must answer that question in this way; the number of women who have been assisted by Government grants to return to their homes or to enter into asylums, has been 38, but the number of women who have been known to return to their friends, or to enter homes without the aid of the Government, is 60, and others undoubtedly, as we have good reason to believe, though we are not in every instance sure, have abandoned that life.

578. Have any of them married?—The number of women who have this year come under the working of the police is 450; of that number 48 are known to be married, and 16 are known to be widows.

579. But how many women have married, and by marriage have abandoned prostitute life?—I am not able to answer that question, because there are some, of course, who marry, and who do not abandon that life; and some marry, and go immediately from the district, so that I am not able to make an accurate statement.

580. Can you describe to the Committee the general condition of those women at the commencement of the operation of the Act?—With the permission of the Committee, I will refer, in giving my answer, to a report which I made at Christmas to the Secretary of State for War. "Of the condition of the women reported upon in the early application of the Act, it is most painful to attempt a description. Being at that time resident medical officer at the London Female Lock Hospital, it was my lot to receive the first companies of women consigned to that institution for treatment. Although instances of the most appalling disease and distress were never absent

absent from certain wards, one could not avoid a gaze of astonishment at the unhappy creatures now presented to us. Not only were some of them so grievously diseased as to be highly dangerous to those who had dealings with them in the exercise of their vice, but their general condition was miserable in the extreme; dirty, clad in unwomanly rags, some appearing half-starved, covered with vermin, causing those near to them to shun them with aversion; careless in matters of common decency, their conversation having mingled with it such words as made one shudder to listen to; wofully ignorant, they appeared, in their utter filth and depravity, lost to all the better qualities of human beings. It was not difficult to see that many of them for some time had not existed beneath a roof; in fact, so bad a condition were they in, the wonder was how they existed at all. One of the first cases entered in the Case Book, by Mr. Perry, who of course met with many instances such as I describe, was, 'A. H., æt. 16. This young girl had only been seduced about three weeks, and was found living in a drain under the turnpike road, where she had been for a fortnight, the vermin were in myriads about her, nevertheless a soldier was found in the drain with her. Her period of treatment was very prolonged, as she became exceedingly anemic.' This is no isolated illustration, it was of frequent occurrence, and the morbid consequences upon young females exposed to such a mode of existence, were not long in showing themselves. One striking and prevailing effect among a number at that time, was an aspect of premature old age, so that young women of 24 or 26, had all the appearance of wrinkled old women. And in truth I have learned that many of this class had, after leading this sorrowful life for a few years, found their vigour fail them, and seeking shelter in workhouses, or low lodging-houses, had then, like old women, yielded to incurable infirmities, and without a friend to help them, died worn out. Thus, less than two years ago in a terribly morbid condition, with the habits of beasts, and the appearance of beggars, the majority of these outcasts of society, were alike endless sources of sickness among the troops, and disgust among the respectable inhabitants of the neighbourhood."

581. Such being the character and condition of those women before the commencement of the operation of the Act, will you state to the Committee, whether any improvement has taken place since it has been it operation?—A very noteable improvement. In favourable contrast in very many respects to the previous unpleasing description, are those women coming within the meaning of the Act, who live within the district at the present date. A uniform management of them, with consistent tact and judgment, during their hospital confinement firm but kind discipline, careful instruction in ordinary work, and a determined enforcement of cleanliness of person; with the regular occurrence of periodical examinations separating those requiring it in an early stage of their disorder, without question have produced very advantageous results; taking into consideration the natural bent in women of this age and class to resist all compulsory interference, with the differences in temper and disposition, and the inevitable monotony of the wards, so dissimilar to the unrestrained scenes of excitement met with nightly in the places they frequent when at liberty; I cannot but report their altered conduct in hospital, and in their attendances on the appointed days for inspection, as a success achieved of considerable value in the further consideration of the Contagious Diseases Act; the use of profane language in the wards now occurs very seldom; formerly almost every sentence spoken had mingled in it, in the most open manner, most obscene and offensive expressions derived from and used in everyday conversation with the soldiers and others they associate with. The chaplain has, on several occasions, mentioned to me, the pleasure with which he has noticed their uniformly decent behaviour, as well as their quiet attention to his ministerial addresses during the religious services held by him.

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582. How long has the system of periodical examination been in force at Aldershot?—The periodical examination of the prostitutes living within the district was established in April 1868, more than a year ago.

583. Did you find it successful at first?—At first we met only with very partial success; to secure the attendance on appointed days, of the whole number of women known to come within the meaning of the Act, was a matter of great labour and difficulty to those engaged in carrying it out.

584. How many registered prostitutes are there in Aldershot within the last three months?—The average number of prostitutes now at Aldershot is about 300 or 320.

585. How many of those 320 present themselves for examination?—I should say that there are not more than five or six who do not present themselves for examination.

586. I suppose that you attach very great importance to this examination?—Very great importance, indeed; in fact, if they did not attend regularly, and we could not take them in the early stage of their disorder, it would be impossible that we could look for any success; we have had great success lately in that particular department; for the first four months, after the opening of the hospital, there were only 250 attendances. From the 1st October to the 31st December 1867 there were 467 attendances. The number gradually increased, and from 1st January to 31st March inclusive of the present year, there have been 1,131 attendances. From 1st April to last Saturday, the 26th instant, the attendances were 1,408; so that this year the attendances have been 2,539.

587. Dr. *Brewer.*] How many women are there who have been examined, because those 1,408 I presume, are the same people over and over again?—They are the same people over and over again; that would comprehend 450 in all.

588. Then have you a larger number of prostitutes at this time than you had before, because you had 320, all known to the police, and now you have 450 prostitutes?—Four hundred and fifty is the number of women in my private roll of prostitutes for the first half of the present year; of course those 450 are not at present in the camp; there is a constant movement among them; some go away and others replace them; but 450 women have attended 2,539 times, during the period named.

589. *Chairman.*] A large portion of those women presented themselves voluntarily for examination; but some of them, I apprehend, are brought up by the police?—Some of them are brought up by the police.

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590. Have there been any instances of women being brought up by the police, and compelled by the police to attend an examination, without any sufficient reason?—Not a single instance to my recollection; in fact, there has been no such instance during my being in charge there.

591. Do you find that many women present themselves for examination in a state of intoxication?—At present that is very rarely the case; a year since even, and before that, it was very often the case; but I do not think that I have had an instance of drunkenness for the last three or four months, and even then, it has not been, so to speak, a thorough state of drunkenness; there has been no incivility or bad language used.

592. Can you tell the Committee where the majority of those unfortunate women, who are on your roll as prostitutes, reside?—With the permission of the Committee I will give them a short account of a visit which I paid to a place which the prostitutes frequent. For some time it had been my intention to select a suitable occasion for becoming personally acquainted with the evening resorts of those women; I gladly therefore took advantage of a visit from Mr. Acton, a well-known author, who came to Aldershot for the express purpose of gathering information for a forthcoming edition of his popular work on prostitution. In his company, and under the guidance of Inspector Smith of the Metropolitan Police, I was enabled on the evening of November 7th last, to examine and watch the proceedings of many of the places where the soldiers congregate, and where, of course, the women are mainly to be found. The residences and places frequented by the prostitutes I then ascertained to be, first, certain public-houses, with small cottages or rooms attached, which, owned or rented by the landlords, are by them let to those frail tenants, stipulating that they frequent the taprooms, &c., every night and drink with the soldiers until half-past nine (half-past nine being gun-fire), and pay the rent agreed upon every morning. Secondly, other public-houses having music halls of decent size, where also the women present are in the same manner obliged to attend. Thirdly, private houses, the apartments of which are let conditionally that the tenants pass the greater part of every evening at some one of the above inns, according to an arrangement existing between the directors of each place. Fourthly, houses, the residents of which frequent the best music halls and lurk about officers' quarters. Fifthly, a few dwellings, where the rent being guaranteed, the inmates are not bound to any particular house. Some of these lodgings being of a decent description, are occupied by a somewhat superior class of females, but of the commoner variety the rooms are disposed of in the following way: (1.) For "short periods" the charge being 2 *d.* for each occasion, paid by the soldier to the landlord. (2.) During the night these women sleep three in each bed, for which accommodation everyone pays 6 *d.* the morning following. (3.) A soldier, or civilian, calling in the daytime to see any occupant, pays the said landlord a toll of 3 *d.* upon every jug of beer consumed; and on Sundays, should a soldier wish to spend the afternoon with a favourite girl, he pays 6 *d.* for such privilege. We first visited a very notorious house, situated at the head of a short and dirty passage, at the further end of High-street. The place was so thronged with soldiers passing in and out of the doors, that we found some difficulty in effecting an entrance, and it required some little determination on our part before we could establish ourselves within the building. However we at length reached a long room, furnished with chairs, forms, and narrow tables, and where, among some 200 soldiers, there were probably about 35 or 40 women. At our end a fiddler was playing on his instrument a lively tune, to which a few couples were dancing a merry accompaniment. Three or four persons, acting as waiters, were briskly engaged in seeking and attending to orders, bringing in beer, &c., which was shared by the soldiers with their female companions, who either sat by their sides, or, as was more frequently the case, on their knees. But, amidst all the loud talking, drinking, and singing, I heard no quarrelsome language used—at any rate during our stay in the house—everyone appeared in good humour, and we escaped unmolested. I readily enough recognised, among the prostitutes present, those who had been in the Lock Hospital, as well as others, regular attendants at periodical examinations. This house is a favourite resort of the military, and here also new comers to the camp are oftenest to be found. I saw two young girls among those present, who had not long been discharged from the Lock Wards, having been brought by the police soon after their arrival at this station, found diseased and detained; while in hospital, a woman who was attached to this house, was overheard by the nurse advising these young unfortunates to frequent the place spoken of, as they would be sure to do well there; most of the prostitutes compelled to confine their attention to this inn, reside in three cottages adjoining it. On leaving, the inspector, at my request, asked one of the girls near, a strong robust young woman, to allow us to see the room she occupied; to this she consented, and having procured a light, we climbed a dark narrow staircase, and entered a small dormitory scantily furnished, having on one side a bed with a dirty coverlet, and two or three chairs; on the walls, were a few coloured prints, designed to represent certain amorous scenes; a fire burned in the grate, and the room was filled with smoke, which the occupant declared was too often the case, sometimes almost suffocating her. She also informed us that she paid 3 *s.* 6 *d.* a week for its use, and was so many hours in the inn, to drink with the soldiers. And here I will remark of these women, that lately, notwithstanding that at least two-thirds habituate themselves to the free consumption of beer and spirits, yet with many of them, this unrestrained love for drink has yielded to a determined avoidance of excess; so that when pressed to take a glass with some entertainer, in obedience to the rules of the house, they comply, but contrive to get rid of the liquor by some artifice instead of imbibing it; they are consequently better clad, and not so often diseased, and curiously enough, some of them, who a few months since were among the most careless, have, under this new tendency, although prostitutes of some duration, become so frugal as to be named "old maids." We next visited, one after the other, seven public-houses, having large well-lighted music and dancing-halls, each room possessing at one end a stage; it appeared the custom for some one present, male or female, on being called upon, to ascend the stage and afford a vocal accompaniment to the musical performances of a

piano

iano and violin; in most of these buildings a oung man is employed as master of the cere- ıonies, for which he receives a salary of 25 *s.* per eek for his services; in none of these rooms was ny disturbance; but under the combined influ- nce of music, dancing, &c., a universal enjoyment as manifested; the large majority of those pre- nt were soldiers, indeed, very few civilians ere seen in any of these places; on the same vening we called at several houses of less pre- ension and accommodation, the rooms being maller but all well filled; in one upstairs apart- ıent, we heard a private of the 20th regiment ing a sentimental ballad in a very creditable ıanner, an effective chorus being executed with reat power by the stentorian voices of 30 or 40 oldiers, aided by the shrill performances of the emales in company; having thus witnessed the ıeans adopted by the innkeepers for the entice- ıent and diversion of their customers, we now ırned our steps into some short, narrow streets, ı which the principal brothels are to be found; ıese are rows of small four-roomed houses, each w having its yard with well and latrine; he buildings, most unhealthily situated, look iserably dark and dirty; the persons who t apartments in this locality for the pur- ses of prostitution, are middle-aged married eople, having families; some of the children ssisting their parents in the general manage- ent. We first entered the place occupied by he proprietors of one row of cottages, named ower-buildings. The miserable couple in whose resence we now found ourselves, struck us as eing in a state indicating the necessity for pre- aration for another world, rather than their tness for the pernicious work they were engaged ı. The husband, a thin pallid man, much asted by a lengthened illness, sat crooning over small fire. On the opposite side, resting on a w bedstead, was his wife, a pitiable object, suf- ring from chronic disease. She is since dead. etween them, and within easy reach of both, as placed a small table, on which were arranged ndry bottles, having candles within their necks, nd nearer the woman was a small heap of copper oney, the reasons for which we were soon made ware of. The wife, in the course of conversa- on, alluded to her disease, which she had long ffered from, to the various hospitals visited, and eans tried for relief; expressing herself as quite ware of her precarious state, and that her life ust soon terminate, as she felt herself "con- ming" daily. She also said that business, just ow, was not brisk with them, the number of irls availing themselves of their rooms having, r a time, decreased. It was most lamentable find a person in her shattered state of health nteresting herself in her ruinous calling. And, add to these shocking circumstances, her only aughter, a woman of 23, rents a room from her arents, paying every morning for its use, as the ther prostitutes do for similar purposes, and is ow, for the third time, a patient in this hospital. Ve were passed, on leaving the door, by a oldier and a young girl; the latter I remem- ered having discharged a few days previously. he man went in, added twopence to the ttle heap of money, and, taking one of the ıe rude candlesticks referred to, lighted the mall candle, and accompanied by his female com- anion, speedily disappeared within the nearest ouse. A few steps further, and we entered a itchen, where a hardy-looking woman of 45 was busily engaged in her duties at the wash tub, the room being so filled with steam as to render it for some time difficult to discern its contents. Two boys, respectively aged 12 and 14, crouched on the floor close to the fire-place, while in a bed in one corner, several younger children lay sleeping; near the boys, and under their especial charge, was a table with the same disposition of bottles, candles, and copper change, as noticed in the house we had so recently visited; I am told the husband is a lazy, dissipated man, who entirely trusts to the amount gained by letting his rooms, for the maintenance of himself and family; in the event of a falling off in the number of his temporary tenants, the children are driven into the camp to beg food for themselves. The woman appeared industrious enough; she worked energetically in her present employment, but had also an eye to business, as evidenced by her interrupting herself in the reply she was making to a question addressed to her. When suddenly looking into the yard, she exclaimed, "Run, Bill! there's 'Scotty'" (a prostitute), "a sneaking upstairs with a soger." The boy appeared used to these attempts to defraud the establishment, for he made after the delinquents with great speed, and a spirited altercation, resolute on the part of the boy, and alternately coaxing and threatening on that of the soldier and his mate, proved merely an ordinary instance of very frequent occurrence." Later on, I may say that I visited many other places within the district, and heard a great deal about those who practised clandestine prostitution. But I should also have stated to the Committee with regard to the present effect upon the prostitutes, that a residence in the hospital, in some cases, has an extraordinary effect. There was one house into which I went with the inspector of police lately. I heard a woman reading with a loud voice, when we got in the passage, I stopped to listen, and I found, to my astonishment, that she was reading from "Bunyan's Pilgrim's Progress." I went into the room and found no less than seven women sitting round a good looking female of 25 who was reading from the "Pilgrim's Progress," all paying the greatest attention.

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593. Was the woman reading it in a spirit which showed that she was feeling what she was reading?—Most decidedly; I never saw clergyman or audience in a church look more serious than the reader or the listeners.

594. Dr. *Brewer.*] Were those prostitutes?—They were.

595. Were they engaged in the prosecution of their trade?—Most decidedly; I have, I am sorry to say, two or three of them in the hospital now.

596. *Chairman.*] With regard to the general effect of this Act, do you think that it has had the effect of restraining diseased women from pursuing their avocation?—It has, in some instances, most decidedly had that effect; but in this report I give the total number as 100, up to Christmas, whom we have every reason to believe have been restrained from further prostitution.

597. Has it, in addition to that, modified the character of the disease?—Of that there is very strong evidence; the severity of the disease is most decidedly lessened, and it is also lessened in extent.

598. You have stated that the habits of the prostitutes, and their general demeanour, has been decidedly improved; do you think, that in addition

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addition to that moral effect, it has reduced the amount of other crime, such as stealing, and offences against the law generally?—That is very markedly reduced; it is the wonder indeed of the inhabitants of the whole district. The police courts there seldom see a prostitute now for anything. In fact, I do not believe that there are more than two or three cases on the average in a month, and those very simple cases. Formerly there were almost daily cases brought before the magistrates. Now in fact, the several orders, if you may term them so of prostitutes, I should say, are by no means the worst conducted of the public.

599. Do you know whether, in the neighbourhood of Aldershot, it has reduced the charges upon the workhouses?—Of that there is not the slightest doubt. I am told there are not nearly so many inmates of the union house, and there are not anything like the number who are receiving out-door relief. Of this I have been very credibly informed.

600. With regard to the obstacles which present themselves to the complete success of the Act, is it not a fact, that within the lines of the camp at Aldershot, there are a certain number of unfortunate women who may be called non-professional prostitutes?—Most decidedly.

601. Those women do not come, and cannot be brought, under the direct operation of the Act in its present state, can they?—In its present state they can only with great difficulty be brought under it; in fact they are persuaded and brought by the tact of the police. If a woman is informed upon, the whole neighbourhood having already seen the good of the working of the Act, one will inform upon the other, so to speak. A policeman who gets information makes himself sure that he has good foundation for what he does, reads the Act to the woman, makes her acquainted with it, and advises her to come up for examination, at once, or on a stated occasion.

602. Then there are a great many of those unfortunate women who present themselves for inspection at a time when they are not fit to be inspected from catamenia, are there not?—Yes, a large number; I may probably give this week's return as an average; last week 114 women came up for examination, out of those 15 were not examined, who were suffering from the menstrual discharge.

603. Have you any power under the present Act of detaining those women until they are fit for examination?—No power at all.

604. The consequence is, that in many instances they go about notwithstanding their condition, if they are diseased, and spread the disease?—They do; if the Committee will allow me I will read a short paragraph, in which I alluded to that as one of the hindrances at the time I wrote this report. "There are other obstacles to the intentions of the Act in the women who regularly attend periodical examinations. Thus at those particular times when a woman should retire from all sexual communication, in consequence of her natural monthly disturbance, it is well known that except in rare instances they do not so withdraw, on the contrary they afford intercourse to soldiers as usual, and the menstrual discharge in this class of women being exceedingly irritating, the production of urethritis, orchitis, &c., is frequently the consequence."

605. Then another obstacle to the success of the Act, is the fact that you have no power to treat pregnant women, is not that so?—That is another hindrance to which I have also referred. It frequently occurrs that women in an advanced state of pregnancy found engaged in prostitution, are among those attending for examination, very often these persons are diseased; their pregnant condition preventing their restriction to Lock Hospital, the course adopted is to furnish them with a certificate under section 31 (it is of very little service, because you cannot enforce it, they not having been in hospital, but it is given them as a caution), to fully explain and dwell upon its meaning, and strongly to advise instant retirement to the workhouse. The police also inform the relieving officer of the woman's state, and the necessity for her removal from the streets. Now, although I have always learned that no objection has been raised by the parochial authorities to the reception of these women, they require a personal application, without which no female will be admitted to their charge. It is known that, in spite of their condition, these women, morbidly attached to their life, practice prostitution as long as they are able, only retiring to the workhouse lying-in room, or elsewhere, when absolutely obliged to do so by nature.

606. Mr. *Mitford.*] Why do you say that the certificate is not effective, because, by clause 31, if a woman practices her vocation after she has received that certificate, she is liable to imprisonment with hard labour?—It only applies to those who have been in the hospital. This woman had not been in the hospital; if I had discharged her in consequence of her pregnancy, then it would have applied to her.

607. Then, in fact, you are doing what there is no requirement for your doing under the Act, are you not?—The Act does not apply to a woman out of doors in her pregnant state. If I discharge her in consequence of her pregnancy, and then she practices prostitution, this clause in the Act applies to her.

608. *Chairman.*] The Act is incomplete also with regard to women and young children, is it not?—It is. I have a case in point now, I think. Women having young children are similarly treated as to the certificate. With those, it is often some time before they are induced to enter the union, and sometimes they cannot be induced to do so at all. Of course, it can hardly be expected that the union authorities will take that interest in treating gonorrhœal and syphilitic attacks which I myself do. It has occasionally happened that a woman has gone in, and she has come out uncured, and I have been compelled with great difficulty, owing to necessary arrangements with regard to the child, during the mother's separation, to detain her in hospital. If I may make a suggestion with regard to that, I should decidedly say that it would be better to have a ward attached to the Lock Hospital for casual cases such as that, and also for pregnant women. When a woman is brought up to me, if she is pregnant, and if she has a contagious or infecting sore, &c., knowing the danger attending it, it is my habit to take her into the hospital and keep her until the worst symptoms at least are removed, and then to send her out with a certificate to say that she is not cured, or something of that kind, with the certificate of clause 31; but I think that the best plan would be to have a proper ward in which a woman may be confined, and in such a case that the parish authorities

es should pay for it, because she is simply nfined in my ward instead of the union ward.

609. I wish now to ask you a question, which rather a delicate question, with regard to the tacles to the complete success of this Act. Do u believe that in the camp at Aldershot there many diseased soldiers at large?—From the orts of the police and others, and from the re- ts of the prostitutes under my charge, I think t there can be very little doubt indeed that re are a good many. The inspector of police siders that there are more diseased soldiers se than are absolutely in the hospital. Of rse, one really has proofs of it. About three eks since, and similar instances are common ough, I discharged two young women, strangers the place, after some three weeks' detention mild gonorrhœal affection. In 10 days, when y came for examination, I was forced to de- n them both again with recent contagious sores. I send women out of my hospital perfectly red and free from disease, and they come back ain to me diseased, they must have received ntamination from some parties, and soldiers are rly the only persons with whom they have con- tion; if a diseased man is in hospital of course cannot infect women.

610. I gather from that answer that you do t think that this Act can be completely success- if the examinations are confined entirely to nales?—I certainly should strongly advise such inspection of men; no doubt that is absolutely quired, at any rate for a considerable time.

611. When a new regiment comes into camp men are examined, are they not?—They are, d the result is very speedily seen; out of one giment, which, I think, came up from Devon- rt (but I am not sure) two or three months o, on examination they were forced to detain out 40 men the first week in hospital, and in the rse of the first month after their being there re was a large number. To show the really od effect of the Act at Aldershot, the number reduced now to about nine in the whole of that rticular regiment.

611.* Sir *John Pakington.*] How long have y been there?—About three months; they me into camp 25th March last.

612. *Chairman.*] Soldiers returning also from rlough are subject to examination, are they t?—They are subject to examination also. I not think the examination is repeated; but on that point I cannot speak positively.

613. Are you aware that formerly the custom examining soldiers periodically prevailed?—I ve been informed so.

614. And that it was abandoned because it is supposed by the medical officers of the army be of no worth?—Yes.

615. Lord *Charles Bruce.*] Is that system rried out in the camp?—I do not think that it carried out by any regiment regularly; but at rtain times, that is to say, on the arrival of a giment, or of those who have been on furlough, on a report being current, as is sometimes e case, that a large number in a regiment are , the surgeons will examine them.

616. If a battalion of Guards arrived in camp ould that be applicable to them?—They would examined by their medical officers just the me as any other regiment, I believe; I have ways understood that every regiment is ex- mined upon its arrival in camp.

617. *Chairman.*] Would you therefore suggest that the system of examining soldiers periodically in the army should be resumed?—If I may be allowed, I will read a short paragraph upon that subject from the same report. "The first and most obvious measure to be adopted is the practical application of periodical examination to the whole body of troops resident in this district and at other stations. This should be conducted strictly and carefully, without exception, and be of sufficiently frequent occurrence. I am of opinion that every soldier should for some time to come be examined once a week, in order to discover whether he be diseased or no, and those men known to habitually frequent brothels should be inspected even oftener than this. That newly-arrived regiments, soldiers returning from furlough, &c., be examined as soon as possible after arriving in the camp, and the examination in this case be repeated three times a fortnight during the first month of their residence in the district."

618. Are you able to tell the Committee, from your own knowledge and from your means of communicating with soldiers, what their feeling on this point may be; do you think that they would object to examination?—I do not think that I am thoroughly acquainted with their opinion as to that; I have been in communication with several officers who are not medical officers, and who have spoken to some of the men on the subject, and they say that they do not think that it would be objected to. They also say that the older soldiers could easily be made to persuade the younger ones of the good of it, and more particularly as the whole body of soldiers have generally expressed their approval of the working of the Act as it is carried out at present. They say that it has done a great deal of good, and they can see it daily; they also speak of it as a very good measure and a very necessary one.

619. Is it popular among the soldiers themselves?—It is popular among the soldiers themselves. I am enabled to say so on undoubted evidence.

620. Lord *Eustace Cecil.*] Do you think that the objection arises at all from the medical officers finding it a disagreeable duty?—Of course medical officers consider very naturally their own feelings on the one hand, and the inclinations of troops on the other; they say that the troops would consider it a degradation to be examined, and, under those circumstances, they themselves would consider it degrading to be compelled to examine them.

621. Do you think that many of them have strong objections to it?—It has been printed so lately; I have certainly been very courteously treated by the military medical officers at Aldershot, who have in every way they could afforded me information, but on this particular point I have heard little. I do not think that they are very decided about it. I think they could certainly be persuaded that it would be a great benefit to inspect the men, and once so persuaded their aid would be invaluable.

622. Mr. *Kinnaird.*] You mentioned having seen it in print somewhere, where did you see it?—I saw it in some of our medical journals, where the medical officers, of course, state their opinions.

623. *Chairman.*] Do you think that it would be a good thing to establish night lavatories in the barracks?—I do; I would recommend that night lavatories be erected in every barrack, and all

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all soldiers absent during the evening should, on their return, be caused to freely cleanse themselves, in the presence of some one appointed to overlook and direct the proper performance of the duty. I feel assured, from the remarks made to me by the many officers with whom I have conversed on the subject, that the soldiers would soon quietly submit to the examinations.

624. Do you think that the Act sufficiently controls two classes within the camp at Aldershot; namely, the keepers of those public-houses to which you have referred, and the tramps who infest the camp?—Those are, too, very great difficulties and hindrances; I have made a remark here with regard to those tramps as an essential hindrance. Almost constantly numerous loose characters, who are tramps, attracted by so large a body of soldiers, are discovered hanging about the camp; these, a lot of lazy scoundrels, not being disposed to work, send the females who accompany them into the vicinity of the huts, &c. for lewd purposes, themselves reaping the benefit of such sums as may be gained thereby. The women are generally diseased, and in a most offensively dirty condition; but there is great difficulty in dealing with those parties, there being no police station.

625. Is there no police station?—There is no police station for the use of the metropolitan police; it is very much required, and it would go very far to end that evil.

626. Sir *John Pakington.*] How many of the metropolitan police are there at Aldershot?—There are six, and an inspector; but there are two others allowed for the summer months, when there is more work. They attend to the discipline of the camp also.

627. Lord *Charles Bruce.*] Have the military police no power with regard to those tramps?—The military police have no power; the metropolitan police have really too much to do.

628. *Chairman.*] Has any representation been made with regard to the metropolitan police station at Aldershot?—Yes, I believe it is ordered to be built; and the plans are, I am informed, being made out now.

629. With regard to the extension of the Act, would you propose that the area of the Act should be enlarged from five miles?—Yes, I think so.

630. To what extent?—The area of the Act at Aldershot at present includes 23 parishes, and I have been to all those places; the farthest places, of which there are three, are 11 miles from the Lock Hospital; there are three places which are eight miles from it, three places which are nine miles from it, and three places which are seven miles from it.

631. Are they included in the schedule of the Act?—They are included in the schedule of the Act.

632. There is a special schedule for Aldershot, is there not?—Yes.

633. To what extent do you propose that the Act should be enlarged, as regards Aldershot?—The other places beyond that I do not know at all; I am not aware of them, but I get a number of patients, and some of the very worst cases from Winchester and Reading, and I think that the Act should be extended to those places.

634. Can you give the Committee a return of the places from whence those women come, as to whether they are from a rural population or from an urban population?—I find, upon calculating it, that four-fifths of them come from towns, and one-fifth from rural populations.

635. Mr. *Kinnaird.*] What is the distance from Reading to the camp?—I think it is about 20 miles.

636. And Winchester is farther, is it not?—It is; Winchester is about 29 miles from Aldershot.

637. *Chairman.*] Suggestions have been made as to alterations in the Act itself; it is proposed that there should be an alteration in clause 17 of the Act; do you think any alteration of that clause would be desirable?—I have not heard of a proposed alteration in clause 17. We find that that clause answers the purpose very well in Aldershot, but it is in consequence of the great industry and tact of the police. Since the hospital has been opened, there have been only three or four cases requiring to be taken before the magistrates in order to enforce obedience.

638. Mr. *Kinnaird.*] The police to which you allude are the metropolitan police, are they not?—They are metropolitan police.

639. *Chairman.*] It is proposed to bring all the women who voluntarily submit themselves to examination, under clause 28; do you think that that would be desirable?—I quite agree with that; I think it should be so.

640. Then it is also proposed by some of the witnesses that the limitation for detention in clause 24 should be extended from six months to nine months; do you agree in that?—I think that would be wise; I have had to discharge a woman only once since I have been at Aldershot after six months' residence, who certainly was not cured. Of course if the Act is extended we shall naturally get very bad cases, which may require longer than six months' detention.

641. Would you recommend also that there should be a new clause introduced with regard to pregnant women?—Yes; with regard to that I recommended that, in the event of pregnant women, or those having young children being found diseased, a clause should be inserted in the Act, empowering the medical officers of lock hospitals to order, by certificate, their immediate admission into a workhouse, there to be detained until free from a contagious disease; that I suggested at Christmas. At present, as I said before, I should very much prefer having a ward attached to the Lock Hospital for casual cases.

642. Have the police power now to visit the lodging-houses of those prostitutes, and give them the required notice?—Yes; I may say that the large number, in fact, nearly all the publicans and lodging-house keepers, assist the police to a great extent in their work. They are told what the consequences will be if they harbour prostitutes who are diseased, and they very often give the information themselves.

643. Are there many prostitutes about Aldershot of 15 years of age, or under?—Not many; I calculated that there had been about 15 during the last six months who were about 15 years of age, or under, but not more than that.

644. Are there many parents who encourage their children in prostitution?—I have had lately a mother and daughter both patients in the hospital at once, the mother being 38 and the daughter a child of 15.

645. Would you suggest any power to be taken under this Act to send such a class of prostitutes, whose parents encourage them in prostitution, to a reformatory?

reformatory?—Yes; with the permission of the Committee, I will refer to the recommendation which I made. It is a matter for regret that of the number of females quoted as having been under the influence of the Contagious Diseases Act since its commencement, so comparatively few have shown any trustworthy disposition to abandon their unfortunate course of life. It is true that some have been restored to their friends, others placed in suitable asylums; and perhaps half of these give good hope of being permanently reformed. But the many difficulties met with in reclaiming these poor women, in spite of the endeavours of various charitable societies, have rendered the attempt in the majority of instances fruitless. I feel convinced that compulsory consignment to suitable reformatories is the only method which promises success in the reclamation of fully one-half of the class as met with at this station. I may say that at the Aldershot station they are generally the worst class of prostitutes who come there at first; worse, I think, than at other places, though they afterwards greatly improve. Of those who enter voluntarily, asylums, it is sadly notorious that not a few merely remain a short time, impatient of restraint, and leave to relapse into their former errors; while of those who return to their friends, a want of care in their daily treatment, a chance allusion to their former unfortunate deeds, effectually dissolves the newly-formed resolution, and they are again found on the streets. I would have this compulsory course applied—(1.) To that class of young girls who, not being restrained at home, have, while mere juveniles, commenced this life of degradation, whose relatives refuse to be responsible for their future conduct, and who themselves show no disposition to reform. (2.) To those mere children who are initiated into the vice by their own parents, and who, as may be conjectured, are wofully ignorant, have not the remotest idea of female modesty, and whose nuition in a proper institution would, indeed, be a work of mercy, if of unknown difficulty. (3.) To those who, older in years and sin than the majority, when at large actually make a food of beer and spirits, are slovenly in their persons and frequently diseased. Yet these women, while under hospital treatment, are well-conducted, industrious, and bitterly repent the mode of life which has been perpetuated by their love for drink. It would be a charity, as well as a wise precaution, to hide them from the gratification of their sin for a year or two. These, by having tasks of work in the making of clothes, laundry and other duties, would soon pay for their board, lodging, and incidental expenses.

646. Sir *John Pakington.*] You mentioned, did you not, that at Aldershot 100 women had given up their trade altogether?—I did.

647. But from the answers which you have lately given, I am afraid that you are not very sanguine of the reformatory effects at Aldershot of this Act. Has this Act had at Aldershot, as it is said to have had elsewhere, a very great moral effect as well as a sanitary effect?—As I said just now, a large proportion of the class of prostitutes at Aldershot are really among the very lowest; and there is another thing with regard to them, which possibly the Committee may think rather a strange remark to make. There is a very great paucity of prostitutes in regard to the number of men; there is a camp of 13,000 men, and lately there have been nearly 6,000 militia. For the supply of all those men there are only about 320 women, of these an average of 55 in hospital. They are constantly with soldiers, and the soldiers are constantly seeking after them; and really I was going to say, that they have not companions to persuade them, or time to repent. There is another great difficulty with them when they are in hospital; if they could be taken quite away from there to some situation, or somewhere where people would look after them, I believe it might prove beneficial; but when they are discharged, there are soldiers always lurking about; they take those girls into public-houses, and thus the good which has been so lately done to them, is all but lost entirely.

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648. Am I right in my recollection of your former evidence, that out of this comparatively small number of women, there have, from the effects of this Act, been a hundred women who have been reclaimed and restored to a virtuous life?—Decidedly so.

649. And you attribute that effect to the operation of this Act?—Entirely.

650. What has been the effect upon the number of prostitutes at Aldershot since the Act commenced?—It has not reduced the number. There are always fresh ones coming in. Out of those who are reformed and who really are the best, are those who have been the longest in the place.

651. Have you reason to believe that those 100 women really are reformed, and have taken to other habits of life?—I have every reason to believe it. There are some of those who have returned to and who live within the district now with their friends, or who have gone into service, and I have occasionally asked those who have employed them in service as to their present behaviour, and they have given me every reason to suppose that there cannot be better conducted people than they are.

652. Are any considerable proportion of those 100 women married since they gave up prostitution?—Some have married, but that is another thing upon which I must speak. The greater number of them have married soldiers, and undoubtedly the greater number of them have married without permission. We all know the miserable effect which that has upon those women. The soldiers cannot support their wives if they take them away; and the poor women really are, as one told me the other day, forced to be prostitutes, or accept the alternative, starve.

653. I understand you that altogether, judging from your experience, the effects of this Act have been, first of all, that a considerable proportion of the women there have been reclaimed, and that the character of the disease has been very much modified; but that the actual number of women there has not been reduced, because as some women are reclaimed, others come in from the outside?—Precisely.

654. To whom was that report, from which you have been reading, addressed?—To the Secretary of State for War. My quotations are from some notes of it which I retain.

655. Was it called for from the War Office?—It was called for from the War Office, and I furnished it soon after last Christmas.

656. You alluded in one of your answers to the Chairman, to the certificates which you sometimes give to a woman on leaving the hospital without being cured; do you suppose that those certificates are kept by them, or that they produce any good effect?—I do not believe that

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that they produce any good effect, since persons who have them have been known to conduct themselves as prostitutes afterwards. In one instance, some short time ago, the police proceeded against a woman who had a syphilitic disease, but who had also some occurrence preventing her admission to hospital.

657. Is it not a fact that women having such a certificate would either conceal it or destroy it?—I believe so.

658. Is it not therefore very difficult, in cases where a woman with such a certificate returns to prostitution, to bring her under the 31st section, so as to punish her?—Exactly; it is very rarely done; but, about two months since, we did proceed in such a case. With regard to pregnant women, there are six prostitutes in that state at Aldershot to my knowledge at present loose upon society. I cannot admit any of them, and there is no provision made for them. They will stop out of the union house, or wherever they go to be confined, until the very last moment. In fact, as far as any place other than the union, they cannot do otherwise, for they have no money.

659. I believe that it is a fact that the medical officers of the army are disposed to object to the examination of soldiers, is it not?—I hear so, I regret to say.

660. Do you, from your experience, know any good reason why they should so object?—I believe that their reason is, that they suppose that it would not be a popular movement with the soldiers. They think that the soldiers would not like it. There are sundry objections which have been raised to other things which I have proposed. For instance, with regard to those night lavatories, it is said that, if a person were supervising those lavatories at night, and a man came in a little the worse for liquor, there would be a case for a report. The faults which are overlooked now, of course would be found out then, and that some discontent would be thereby caused.

661. But, from your experience, do you see any sufficient reason against either the use of the lavatory or the inspection?—None at all. I think that they are highly necessary.

662. What is the proportion of women at Aldershot who have voluntarily surrendered themselves for examination?—Almost all. I may say all. The police are very successful in that respect. When a woman is brought to the hospital, or when she is seen, the inspector of police explains the matter to her, reads the Act to her, and persuades her to submit. It is very rarely indeed that they do not.

663. Under the Act, or in any other way, are there no restrictions at present as to their surrendering themselves for examination which you would think it desirable to remove?—I think not.

664. Mr. *Donald Dalrymple.*] Have you had any cases of insuperable syphilis in women coming under your notice?—Cases of the *sequelæ* of syphilis; bad tertiary cases.

665. I mean cases capable of propagating the disease?—Certainly.

666. Have you, in your report or in any other way, considered how to deal with those cases of insuperable syphilis which even the extension of nine months' treatment would be insufficient to cope with?—Those are cases that are very rare in Aldershot at present, but in such cases as that they will be probably the women to whom I referred last, who are great drinkers, and so on; and relapses are frequent. I should put such women in a reformatory, and make them do some tasks of work that should pay for their board and treatment. It is probable, again, that in such a case as that, if the danger were told to the woman, she might be ready to go into another hospital. But still there is no hospital except a Lock Hospital where women would be detained so long as that.

667. Mr. *James Lowther.*] What would you propose to do in cases of that kind; insuperable cases?—As I have just said, I should think that women of that kind require to be sent to an institution purposely formed for that purpose, such as a reformatory, having hospital advantages, where women could be kept for so many years, or until cured of the disease.

668. Mr. *Donald Dalrymple.*] You would try and shut her up somehow?—I would try and shut her up as long as she remained in a diseased state.

669. Lord *Charles Bruce.*] Have you had many cases of women being discharged at the end of their six months uncured?—I have not lately, in consequence, as I said before, of the disease having become so much modified in severity that those who have been discharged uncured have been old cases; the worst cases that I get of course, or that any station gets, are the new ones that come in from a place where the Act is not in force; those cases are really very dangerous, and it takes more than six months to cure them, but I have only had one such case during the last 12 months.

670. Mr. *Mills.*] Would you recommend that those old cases should be sent to a reformatory?—I should recommend that they should be sent to such an institution as that, where a woman could be kept as long as it was necessary.

671. Lord *Charles Bruce.*] It might happen that a woman at the end of six months, being uncured, might ask to be kept on at the hospital, might it not?—I do not know that it has been directly asked; the woman of whom I spoke as having been discharged in that way, said she was very sorry to go, and thanked me very much for the kindness she had received and so on; she had been discharged from another hospital at the end of the six months; that would come under one of the classes upon which an honourable Member has just questioned me; but I have no doubt that if that six months had been extended to nine months in this case, she had gone on so well (in fact, she was apparently free from disease), that treatment during the extra three months might have really cured her.

672. How soon could she come back again into hospital?—She could come back again in a week for that matter, and if she were brought up and found diseased, she could be retained again; but of course, during that week, she or another person might have done a great deal of mischief among the soldiers.

673. Mr. *Mitford.*] Can you make any suggestion as to what should be done with permanently diseased women, supposing that after six, or nine, or twelve months you cannot cure them?—Those cases of which I have just spoken are women who have taken no care whatever of themselves, who have been long diseased, and with whom there has, perhaps, been no means used to cure. They have been very poor, badly clad, unclean, and badly fed. They should be put into

nto some institution for the purpose, which hould have the double character of a reformatory nd a hospital, so that they could do some kind f work for their maintenance while they were here, and should not be let out again.

674. Is the disease from which incurable women uffer of the same contagious character as the ther disease which is curable?—The tertiary isease, of which, as I understand, the honour- ble Member speaks, is not a contagious disorder, hat is, it does not communicate syphilis.

675. Then it is not for the purpose of prevent- ng their spreading infection that you would end them away?—It would not give syphilis, it s supposed; but all these women have nasty lischarges and other symptoms about them that a soldier might become diseased by. Besides, here are often active syphilitic symptoms also present, as well as the tertiary consequences.

676. *Chairman.*] You give a certificate of ure, under the 28th section, to those women whom you have discharged from the hospital cured, do you not?—Yes.

677. Is it a good plan, do you think, to give a certificate to the women themselves?—I think it s a very bad plan. I think the proper plan would be, that the police should have a book, and those persons who are discharged should have their names written in the book by the medical inspector of the station; and the police, who know every woman, would also know who was discharged, and the length of time they had been out of hospital.

678. But you would in no case give it to the woman herself?—In certain cases I would, if the woman wanted to leave the district, or was sent out of the district. Of course a certain proof would be required, and if she applied for it she should have such a certificate; but in the case of those who are simply detained for a time, and then discharged, I do not think it right. When they leave the Lock Hospital, they may make use of those papers and exhibit them. The other day a woman of about 47 had thoroughly deceived me. I thought that it was the result of her husband's being diseased, from what she said to me, and she regretted the sad consequences of it. When she went out of the hospital she held out this certificate, called to a lot of men working near, and said, "Here, who'll have a maidenhead six weeks old?" She had been six weeks in hospital.

679. Why do you say that in the case of a woman wishing to leave the district, such a certificate should be given to her?—If she can give a proper reason for it, such as going before a bench of magistrates, or anything of that kind, for a proof that she was in the hospital for a certain time, I think it might be given.

680. Would you not by doing that shield this woman, and enable her to make use of it as a clean bill of health?—Supposing, for instance, the woman is charged with having committed a crime on the 9th of July, and supposing she is in hospital on the 9th of July, she has only this certificate to prove that she was so; let her apply to the police, and give a good reason for having this certificate, and then let her have it.

681. The police could give the same evidence as the certificate, could they not?—They could, undoubtedly; I certainly think it is not wise to give the women certificates every time they are discharged.

682. You stated that a large number of militia had been stationed at Aldershot; is there much disease, so far as you know, amongst them?—I have a return here of the number of cases; the strength was 5,830; the number in hospital for primary syphilis was 16, and constitutional syphilis, one; the number of cases of gonorrhœa was 64.

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683. Was that when they came in?—That is the whole number during their residence in the camp; that is so low, that I cannot help thinking that some of those who were diseased did not go into the hospital; of course their training is a short one, and unless a militiaman is really bad they would not wish him to go into the hospital. That is my impression from remarks made to me. If it is not so, certainly it only shows what a limited amount of disease they suffered from during their training in Aldershot.

684. Mr. *Murphy.*] You stated, did you not, in the early part of your examination, that there were 38 women who had been reclaimed, and who had been assisted by Government to go into asylums?—Decidedly.

685. In what manner was that assistance given?—I think it was in the autumn of 1867 that Mr. Perry, my predecessor, recommended that a certain amount should be given in hand for the purpose of encouraging girls to go home, or paying their expenses to their friends.

686. You stated that there were 50 who were assisted, I believe, to go home, and 38 assisted by the Government to go into asylums and to their friends?—Yes; the Secretary of State for War allowed 50 *l.* as an imprest for that purpose; for instance, if one girl comes from Berkshire, her friends are willing to take her home, they send a letter, but they are too poor to pay her expenses, a policeman goes with her and leaves her with her friend; and that is paid out of that grant.

687. I understand that those are merely travelling expenses, and not capitation money given for the support in asylums and reformatories?—No; the asylum that we send them to is, of course, a very excellent one, the London Lock Hospital; and the amount paid for expenses has been simply the policeman going with them, and their own costs for travelling.

688. You also stated that you recommended three classes of cases for compulsory confinement in reformatories; did you mean to convey that if those parties were confined in those reformatories, the Government should make a capitation grant, such as is given to the ordinary reformatories where juvenile criminals are confined?—I did.

689. And that if voluntary associations existed for those purposes, supported from voluntary funds, a grant-in-aid should be given for each person sent to those institutions?—I did.

690. Do you think that that would be a very effective means of taking advantage of any disposition on behalf of rich people to afford their assistance to such institutions?—That would be the only chance, in my opinion, in regard to those three classes. Of course that applies fully to one-half of the prostitutes.

691. No matter what their ages might be?—I include young girls, and old women, too, or at least those who have been a long time on the streets, and who are old offenders, and drunkards, and so on; but for the more sensible class, such an asylum as belongs to the London Lock

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Hospital is more suitable, and a number of those who go there stay there. Some of those coming out of course belong to the class that I spoke of who should be consigned to the reformatories.

692. But would they be under treatment at the London Lock Auxiliary Asylum?—Certainly; I was myself medical officer to that asylum when I was at the London Lock Hospital, and I can speak of it as an institution which is deserving of every support. The girls generally were contented there, every kindness was shown them, and a very appreciable number of them have been saved; it is understood that those girls should be cured before they are sent into the asylum. That place is supported by voluntary contributions.

693. Mr. *Kinnaird.*] What do you suppose to have been contemplated by the Act, in enforcing and giving those certificates?—I can only look at it in two lights, either as a deterrent through fear, or as an encouragement; the girls would be told this: "Unless you have this certificate, you will be amenable to be brought before the magistrates and liable to be punished; and, on the other hand, you will have this certificate, and you are quite free for some time as long as you have it." I cannot give any other reason, further than the long distances between one place and another. In this way, a girl might remove from one place to another, and might not be known; the police in one district might not know the girls in another district.

694. Would you be inclined to recommend a modification of that portion of the Act with regard to certificates?—I should.

695. You gave some interesting evidence about the horrible state of lodging-houses in the town of Aldershot, and you stated that there were some music-halls and places of amusement; they must earn a good deal of money at such places, must they not?—A great deal, I am told.

696. Then could they not, out of those earnings, keep those lodging-houses in a very much improved condition?—The public-houses to which those music-halls are attached are kept in tolerably good order; it is the low lodging-houses near them which are in bad order. I should suggest, with regard to those public-houses, that as the landlords derive so much benefit, and get so much money from those poor girls, every one of them should be made to erect a night lavatory, and that the girls should persuade the soldiers to use them; because using the lavatory immediately after the intercourse, is much more likely to be effective than using it an hour or two afterwards at the barracks, though I, as I before stated, highly recommend the latter.

697. You are aware that in London there is a Lodging-house Act which make it imperative upon anybody keeping a public lodging-house to have, and which makes them liable to punishment if they do not have, air, light, and washing apparatus; would you not recommend the extension of such a Lodging-house Act to Aldershot and the neighbourhood, if it could be done?—Most decidedly, I think it very desirable

698. Do you not think that that would do very much to lessen the chances of disease, in enabling the poor women to have lavatories?—Decidedly it would. In the description of my visit to the various public-houses and other resorts of the prostitutes, it will be seen that the landlords of those places, in no small degree, reap the benefit of the prostitution they encourage. As before explained, every woman who hires lodgings in or near the house, is compelled to use every exertion to entice the military to spend their money in drink until the hour that they return to their respective barracks. After that time the women are at liberty, for the simple reason that the said landlord cannot prevent it, for as might be expected, when the military are no longer to be seen, some of the women devote themselves to civilians, who take them to their own resorts. A woman not paying her rent when due is ejected, and those who spend the money received from soldiers with their "fancy men," are somewhat dependent upon stray civilians to make good the amount. But their chief use to the landlord being to draw money into his till, by their influence over the soldiers who visit his house, I am of opinion that the masters of all these establishments should be made amenable to such regulations as may be judged fit to be enforced, in order to lessen the chances of disease. Thus, in addition to the stringent application of section 36 of the Act, if necessitated, they should be compelled to, as I have just remarked, provide a proper lavatory for the use of all soldiers who visit the rooms occupied by prostitutes, who are in any way bound to the house; and the women referred to should be ordered to encourage the men to properly cleanse themselves before leaving the establishment. I believe this procedure would open a great chance of escape to the military after their intercourse with these women.

699. Then you think that there would be a very great advantage in putting those houses under inspection?—I do.

700. On the arrival of a fresh regiment in the camp, does it not often follow that some (and sometimes many) women follow the troops to the camp?—They almost always bring a lot of women with them.

701. Is there no preliminary examination of those women until they have carried the disease further?—No.

702. They lodge without the precincts of the camp, do they not?—Occasionally we are fortunate enough to take one directly. A short time since the 35th Regiment came in, and several women came with certain companies of them. The police were informed that those women were prostitutes, and the consequence was that five of them were at once brought into the hospital. Three of them were found to be diseased, and were detained before they had done any mischief. They were proved to be old prostitutes.

703. Could you suggest any regulation which might put these women who arrive more immediately under the operation of the Act?—I should suggest that when a regiment is going to leave a station, if it is going to a station where the Act is in force, the police should write to the inspector of the place at which the regiment is about to arrive, giving some notice, and some little history of the women who are known to have followed the soldiers. That would give us information, so that we could speedily get them under treatment.

704. Are you aware that before any hospitals were built the Lock Hospital in London was the one which first enabled the authorities to carry out the provisions of the Act?—I am.

705. I suppose that the experience which you gained there you found very valuable at Aldershot?—Very valuable indeed.

706. Are you aware that the Committee, from which emanated the Act which is in force, recommended

commended in its provisions, and I think you were going to read something from the Act to show that it contemplated, if possible, not only a physical but a moral cure?—Certainly.

707. Do you not find that an asylum so immediately connected as is the London Lock Asylum with the Lock Hospital (the only one, I believe, in the kingdom which is under the same roof with the hospital), an immense help?—Most decidedly; because, as I have explained, the difficulty lies in where the woman first goes when she leaves the hospital. I believe that fully one-half of the prostitutes under my care, under the influence of the chaplain and the matron, and by my own persuasions, are as fully determined just before they go that they will give up their unfortunate trade and go to their friends and work hard, as anybody can be. They go out and see a red coat, they go with him to a public-house and have drink, and away go all their good resolutions. But, on the other hand, I know that a great number go from the hospital into the asylum that the honourable Member speaks of, and while there no chance of their being tempted away from their good resolutions arises.

708. Do you, from your experience, think that you may attribute the great success of that asylum to the fact, that the poor children are taken at once from the temptation of returning to their evil habits?—Most decidedly, and it is of very great benefit indeed.

709. If there were an asylum in connection with the military hospitals, do you not think it would be of immense benefit?—I think it would; I should be very glad to have an asylum in connection with the Lock Hospital at Aldershot; but these poor girls are led away by music, and red coats, and excitement; if they live in ever so strict an asylum, and ever so much care is taken of them, if they heard a band of music, or saw a red coat, I fear it would be too strong a temptation for them.

710. I do not mean an asylum on the spot, but in connection with those military hospitals; at some retired spot?—It would be a very great advantage I have no doubt.

711. Dr. *Brewer.*] Could you say shortly, upon what measures you would depend to stamp out the venereal disease from Aldershot altogether?—The extension of the Act, most decidedly, to commence with.

712. To what area?—If it were not extended to the general population, I may say, in fact, very generally extended, I do not think that you could stamp it out; if Aldershot were an isolated place, and the soldiers were inspected, I have no doubt that in a very short time you could give a clean bill of health, because, before the arrival of new regiments and strangers, there is a very low amount of sickness; in fact, for some time, I had no case of any severity at all in the hospital.

713. May we infer, then, that you would depend upon two things for the entire stamping out of the disease at Aldershot; the extension of the area, and the examination of the soldier?—Those two things, I believe, would go far to bring about that result.

714. Do the prostitutes move themselves beyond the area of your jurisdiction in order to avoid inspection?—Occasionally they do so, but not nearly as much now as formerly.

715. In the proposition of extending sect. 17 into sect. 28, there are certain penal provisions made; do you require any of those penal provisions in order to carry out the objects of the Act?—I am very happy to say that I have only met with one instance since I have had charge of the Aldershot district requiring imprisonment, and that was a girl not in the hospital, but who, finding herself detained as she was entering the hospital, broke some panes of glass; otherwise I have not had any reason to complain of them in any way. Before that some 18 had been consigned to prison. I believe that with some tact, care, and kindness, as well as firmness, it can be prevented entirely.

716. Mr. *Kinnaird.*] I think that during the whole time you had charge of the Lock Hospital not a single case ever went to the police?—Not a single case.

717. Dr. *Brewer.*] Four-fifths of your prostitutes come from towns; do a number come from London?—A number come from London.

718. What proportion?—I should say that one-fifth are from London, and nearly one-fifth come from Ireland.

719. As regards the tramps, who send their women into the camp, have you anything to recommend as to police provisions to prevent that?—The inspector of police of the district will be here very shortly to give evidence, and I think he can answer that question better than I can. If I may be allowed, I will state what I strongly recommended to the Secretary of State for War. I think that the medical inspectors and officers in charge of Lock Hospitals, especially in such a district as Aldershot, ought to be magistrates. I do not mean that they should act as magistrates in ordinary matters on the bench at all times, but in cases connected with the working of the Act. I think their knowledge of the Act would be of very great assistance to other magistrates, and they would know whether the sentence should be a mild one, or a stronger punishment required.

720. Without your being able to correct the importation of women by tramps, you could not hope to stamp out the disease, I presume?—I certainly could not.

721. Then that would be an addition to your other recommendations; extension of the area, examination of soldiers, and extrusion of tramps?—Certainly, but we cannot do that at present, for want of a proper police station.

722. You say that 40 soldiers were diseased out of a regiment.; of how many did that regiment consist?—I cannot state the precise number. It was the 12th Regiment.

723. You say that there are certain pregnant women who are diseased, and with whom you cannot deal; if those pregnant women have children born, to how many of those children would you say that the disease was either communicated during the passage of the child into the world or previously?—I can scarcely tell you that; but I think that I may go pretty safely upon this: I think that two-thirds of those children, at least, are still-born or die directly after birth; I refer to children thus born in Aldershot districts.

724. But do you find those children after a few days suffering from acute ophthalmia?—The greater number of them are still-born, and a few of them live for a few days. They are born in workhouses or get under the parish doctor's care; but I should say that the greater number of them who survive any length of time would have the symptoms of inherited syphilis.

725. But

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725. But some have been confined under your own eye, have they not?—Occasionally such an accident has occurred; but not viable children; that is all premature births. I refer to miscarriages taking place in the hospital. In general practice I have seen many such cases as you allude to.

726. Can you prevent those children from being diseased if you have a pregnant woman under your care immediately previous to parturition?—There is no doubt that a woman can be relieved of her disease to a very great extent, and the child also, by proper treatment during pregnancy.

727. With regard to clandestine prostitution in Aldershot, does that communicate disease to any class in the army?—Yes, to the common soldiers.

728. And to officers?—Yes.

729. Have you any reason to believe that by this clandestine prostitution not simply the officers, but the common soldiers are diseased?—Yes; I have three such women under my care now, and I have information of three other women practising clandestine prostitution, whom the police have been searching for, as having been detected with soldiers.

730. *Chairman.*] What class of life were they?—Dressmakers, married women, the wives of labourers and small tradesmen, and servants, of course.

731. Dr. *Brewer.*] You say that you have had 1,559 women under treatment; of those, you say, some are afflicted of gonorrhœa and some with syphilis; I presume that you mean that they are, generally speaking, afflicted with what we understand by syphilis, but not by true syphilis?—That includes sores and actual syphilis, under the War Office classification.

732. Have you any true syphilis?—Yes; I have in the hospital now two well marked cases of primary syphilis, and several constitutional. There are four others which are simply local contagious ulcers; but in some course of their action they may become indurated; that is to say, that syphilis may follow those sores, which were apparently not infecting sores.

733. Where do you get those cases of true syphilis from?—They are from strangers, principally.

734. Do you know anything at all about the history of those cases?—I record all obtainable history in my case book; I have 12 cases of syphilis, sores, and other complications; out of those, six are new women. There were three admitted last week; two of those are strangers who have come in.

735. You have no true syphilis generated in the camp at Aldershot, have you?—There is always syphilis in the camp; I have always some cases of true constitutional syphilis and true primary syphilis.

736. With regard to one question about which I am very anxious; do some of those prostitutes marry?—They do.

737. Have you found any case of a prostitute marrying, and afterwards continuing her life of prostitution?—Certainly. Another, and in my opinion an important hindrance, exists in the wives of soldiers who marry without permission. It is a notorious fact, that many of the most confirmed prostitutes who have been repeatedly in this and other hospitals, are married thus; generally at the Wesleyan Church, Aldershot, and, as may readily be supposed, deriving very little assistance from their husbands; and their previous bad character being known, little honest employment is open to them, and they are often compelled, in a manner, to prostitute themselves for necessary food and shelter. Some of these women have apparently escaped by adopting the only chance, namely, leaving the district to join their own, or husbands' relatives, or seeking subsistence in some place where their former errors are unknown.

738. Were they prostitutes before marrying?—They were prostitutes before marrying.

739. And they subsequently continued it?—They subsequently continued it.

740. With regard to bad expressions, coarse language, and violent conduct, have you had a decrease of violence in action and in language?—A very great decrease. It is a very great rarity now to meet with it.

741. Does that decrease of violence continue after they leave you?—It has very much decreased. I have inquired of many respectable inhabitants of Aldershot, who knew the place before the Act was applied, and in the early application of it, and they say that it was really impossible for decent people to walk in the streets there. The language was filthy, and the appearance of the prostitutes was fearful; and now there really cannot be a more comparatively orderly class of people than those very girls, that is to say, those who have come under the operation of the Act.

742. Mr. *Mitford.*] I see that Sandhurst is included in the schedule of your district; is there much prostitution in the neighbourhood of Sandhurst?—We may call that almost clandestine prostitution. There are certain girls there who work during the day, and who, in the evening, go where the young men are. There are one or two also who regularly attend for examination, who come from other places near there, such as Frimley, Farnborough, and Cove. I was shown a woman there by an old gentleman the other day, when I was inspecting those places (I go about occasionally making inquiries), and he said that this woman had been seen with I do not know how many young men the night before. The police got information of it; she appeared to be a stranger, and she was brought up to me for examination, she was suffering from gonorrhœa and was detained.

743. Is Frimley near Sandhurst?—Frimley is about three miles from Sandhurst.

744. Is there a good deal of clandestine prostitution, but not much open prostitution?—That is so. Occasionally I get a labourer's wife, or some one who first denies that she has prostituted herself, and then admits it, when she finds she is discovered.

745. Mr. *Murphy.*] You said that about one-fifth of the women at Aldershot came from Ireland; how is that ascertained?—The birthplace of a woman and her late residence are taken down on her admission.

746. So that it would be easy to ascertain by referring to the books what part of Ireland they came from, would it not?—Yes; they come with Irish regiments, Dragoons and others.

747. Sir *John Pakington.*] Do you consider gonorrhœa and syphilis to be two distinct complaints?—Most decidedly.

748. You do not think that aggravated or repeated

repeated gonorrhœa would degenerate into a syphilitic sore?—I do not at all.

749. Dr. *Brewer.*] Do you not think that a woman never gives gonorrhœa to one man and syphilis to another?—Most decidedly. I understood the Right Honourable Baronet to ask me whether they were the same diseases. I mean that they are distinct diseases.

750. Mr. *Kinnaird.*] Do you believe that at the same time, and on the same day, a woman would give both diseases?—Certainly.

751. Sir *John Pakington.*] Then, although you consider them to be two distinct diseases, do I understand you to believe that a woman suffering from gonorrhœa might communicate to a man either disease or both diseases?—No, I do not mean to say that, but they co-exist. I very often have under my care a woman who has gonorrhœa, a primary syphilitic sore, and constitutional syphilis at the same time. But with regard to those prostitutes, a woman may have no disease herself, and yet through her several men may get disease. I said just now that there is a paucity of prostitutes at Aldershot. Some of those women will have intercourse with 20 or 22 or 23 men in one night. I always tell those women when they leave the hospital to use lotions and injections, and to do what they can to keep themselves clean. A great number of them, before and after they have intercourse with soldiers, use their injections, so they may escape, while a number of those soldiers, some being diseased, closely following each other, having connection with them, by mediate contagion different affections are dispersed among them.

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752. Sir *John Pakington.*] But do you hold syphilis and gonorrhœa to be quite distinct complaints?—Decidedly distinct.

Mr. Aylmer Greene, called in; and Examined.

753. *Chairman.*] You hold a position in the War Department, do you not?—I do.

754. Will you state to the Committee the amount of money which has been taken in this year's Estimates for the purpose of extending the operation of the Contagious Diseases Act?—£. 3,260 was taken for police, 18,500 *l.* for buildings, 18,700 *l.* for home stations for general expenses; and 3,000 *l.* for the Colonies.

755. Will you be good enough to tell the Committee to what stations it is proposed, both at home and abroad, to extend the operation of the Act?—The Act has already been applied to all the stations in the schedule, with the exception of the Curragh; there the hospital is not yet finished, but it will be completed in the course of two or three months, and then it will be included. But there are certain other places which, in order to make the measure efficient at those stations to which the Act now applies, it is evidently necessary should be included, and provision was therefore made for Winchester, Maidstone, Dover, Canterbury, Walmer, Deal, Greenwich, and Deptford.

756. Has there been sufficient money voted to extend the Act to the places which you have named?—Yes.

757. With regard to hospital accommodation, how do you propose to deal with the places you have named?—Perhaps I should state what Lock Hospital accommodation we have already. We have, or shall have very shortly, at the London Lock Hospital 152 beds, for which we pay; we have 90 beds at Aldershot; at Chatham we shall, at the end of this year, have 88 beds; the hospital is not yet opened, and we are committed for another year to 40 beds at St. Bartholomew's Hospital at Rochester, which we hire. At Colchester, we have 25 beds; at Shorncliffe, we have 25 beds; at Cork, we have 46 beds, and at the Curragh (to be completed shortly), we shall have 41 beds. That makes 420 beds in England, and 87 in Ireland, the total being 507 beds.

758. Mr. *Murphy.*] Have you any beds at Queenstown?—Queenstown is provided for at Cork.

759. *Chairman.*] Can you inform the Committee how many of those beds are occupied at the present moment, at the different stations?—At the London Lock Hospital, they vary from week to week, from 90 to 108 or 110, but we are paying for 120. The other 32 beds will be available for us at any time, but we shall not pay for them until we use them.

Mr. *A. Greene.*

760. Mr. *Kinnaird.*] But sometimes they are quite full, are they not?—They have not been full now for three or four months; Aldershot has not supplied them with any patients lately.

761. *Chairman.*] How many are there in Aldershot?—There were 50 beds at Aldershot a month ago, and now the number has been raised to 90; 58 is about the number at present occupied.

762. What is the number at Chatham?—The hospital there is not yet opened, but the 40 beds at Rochester are nearly always full.

763. Are they over-full?—The 40 beds are full at Rochester, and we have always 60 or 70 in the London Lock Hospital from Chatham besides.

764. How many are there at Colchester?—At Colchester and Shorncliffe they are always very nearly full. Occasionally they have been unable to admit diseased women.

765. How many are there at Cork?—The hospital at Cork has only been opened about a fortnight, and I think there are only about 17 in.

766. The Curragh hospital, you say, is not opened yet?—The Curragh hospital is not opened yet.

767. How do you propose to provide for those persons in the places which are to be added?—There are troops at Winchester, and a good many of the prostitutes come from there to Aldershot. The 90 beds at Aldershot would, no doubt, provide for the wants of Winchester and Windsor.

768. Sir *John Pakington.*] Would that be sufficient?—I think so.

769. *Chairman.*] There are about 32 beds now empty at Aldershot, are there not?—There are.

770. Lord *Charles Bruce.*] When the beds at Aldershot are full, are the patients sent to the Lock?—They are; Aldershot has hitherto sent patients up, but they have only one there now.

771. *Chairman.*] Then, where do those patients now in the Lock Hospital come from?—They come from Woolwich, Windsor, and from Chatham.

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772. Dr. *Brewer.*] Where do you provide for Woolwich now?—At the London Lock Hospital.

773. *Chairman.*] And Chatham?—From Chatham we send all that cannot be provided for in St. Bartholomew's at Rochester, to the London Lock.

774. Then, the 110 in the London Lock Hospital now, with the exception of one, all come from Windsor, Woolwich, and Chatham?—Yes; what we propose is that the patients from Winchester, Woolwich, and Windsor will go to Aldershot. Those from Sheerness, Gravesend, and Maidstone will go to Chatham, where we shall have 88 beds by the end of this year, any excess being sent to St. Bartholomew's Hospital, where we hire 40 beds. Colchester is already provided for with 25 beds. Dover, Shorncliffe, Canterbury, Walmer, and Deal would fill the Shorncliffe beds, and the excess would come to London, unless it was found necessary to build a hospital at Dover. Money has been taken in the Estimates for the purpose; but we must use what beds we have at the London Lock Hospital, and therefore I do not think it will be necessary to build any hospital there at present. Woolwich, Greenwich, and Deptford will come to London also.

775. Mr. *Mills.*] Is there no provision at all at Woolwich?—None. It has been proposed to extend the operation of the Act to Southampton, but the Southampton women should certainly be included with Portsmouth, which is an Admiralty station.

776. *Chairman.*] If the Act were extended to Southampton, would you have hospital accommodation for the present?—You would have to bring the patients to the London Lock, for the Aldershot beds would be filled from Windsor and Winchester

777. Can you inform the Committee what has been the cost of the working of this Act?—Perhaps it is best told in the way of how much it costs per bed at the different stations. It varies, of course, according to the size of the hospital. At the London Lock Hospital we pay 20 *l.* a bed, with some additional charges, which bring it up to about 24 *l.*

778. Mr. *Kinnaird.*] That is the washing and the extras?—Yes; at Aldershot, I think it is now about 34 *l.*

779. That does not include the outlay for building at all, does it?—No; at the smaller stations, such as Colchester and Shorncliffe, the cost is larger, coming up to about 40 *l.* and 41 *l.* per bed.

780. What is included in the expense?—Everything except building.

781. Medical arrangements, physic, and so on?—Yes, everything.

782. Dr. *Brewer.*] What is the average number of days during which a patient is detained in hospital at Colchester?—They are now generally detained there about 35 days on an average, but we have found that there has been a considerable reduction of late. I think, at Colchester, it was as much as 50 days when the hospital was first established.

783. Mr. *Donald Dalrymple.*] Have you averaged the whole?—I have not.

784. *Chairman.*] Does that estimate include the cost of the police and everything connected with the working of the Act?—It does not include the cost of the police, but the police would raise it by a very small amount.

785. What is the cost of the police?—£ 3,260 altogether.

786. But what have you taken for them in this year's Estimate?—£ 3,260 for the whole of the stations.

787. Does the amount of money which you have taken in this year's Estimate contemplate the enlarging of the areas?—Yes; money is specially taken for Windsor, Gravesend, and Maidstone; and there is a sum of 4,894 *l.* for works for "other stations," which was intended to be spent at Dover, but that probably will not now be required.

788. But you have not taken any money for an increase to the Metropolitan Police Force which might be necessary, have you?—We have provided for it at Maidstone, at Gravesend, and at Winchester; but we have not at Dover and Canterbury, but we have ample money.

789. Mr. *Mitford.*] Will the 3,260 *l.* cover it all?—Yes, I think so, for it must be remembered that at Gravesend, Maidstone, and Winchester, although the year is well advanced, we have not spent a sixpence yet in police, although funds have been voted.

790. *Chairman.*] Supposing, for example, that the Act was to have effect within a circumference of 15 miles round Portsmouth, instead of five miles, it might necessitate an increase of one or two of the Metropolitan Police Force, and that might be the case in the other 12 towns where the Act is in operation, should you have money enough this year, supposing that the Committee were to advise the enlargement of the area in the towns where the Act is now in operation, independently of the addition of the towns which you have named?—I do not think that the increase would be considerable; no doubt at Woolwich, where Deptford and Greenwich will be included, we shall require an increase, but I think there would be money enough. It must be borne in mind that nearly 5,000 *l.* has been taken for buildings, which will no doubt be available to meet any excess under other heads of expenditure in working the Contagious Diseases Act. I am satisfied that there are ample funds to allow of the extension of the Act as proposed.

791. Mr. *Murphy.*] Does that Estimate include any expense in Ireland?—Yes; it includes the stations of Cork and the Curragh.

792. For the police?—Yes.

793. You are aware, of course, that the police or the constabulary in Ireland, are not at all the same kind of force as the Metropolitan Police here?—I am.

794. In the Estimates have you provided for an additional sum to be paid to the constabulary employed in this particular service, in addition to their regular pay?—No; but we have agreed to give, I think, 10 *s.* a week to the chief constable, and 7 *s.* 6 *d.* a week to the others.

795. Is that in addition to their ordinary pay?—Yes.

796. Mr. *Mitford.*] Of course you are speaking simply with regard to the estimates under your department?—Quite so; we have nothing to do with the business under the Admiralty.

797. Lord *Charles Bruce.*] Is any provision made as regards Dublin?—No; because the population is so large, as compared with the number of troops.

798. *Chairman.*] There was a suggestion made the

e other day that the visiting surgeon should be liged to sign every certificate of discharge; do u see any practical objection to such an amend-ent of the Act?—I am, of course, aware of at has given rise to that suggestion, and no ubt it is very necessary at certain stations, t at the military stations I do not think it ould work, because, supposing that the Win-ester and Windsor patients are brought to dershot, and we employ a local man as visiting rgeon, which it may very likely be convenient us to do, we should require him to go to dershot to override our own surgeon there, o is certainly quite as capable of deciding ether a woman ought or ought not to be dis-arged. Then, again, to the London Lock Hos-al we should send up all the Dover patients. e we to send the visiting surgeon from Dover ery time a woman is to be let out of the Lon-n Lock Hospital?

799. Mr. *Kinnaird.*] I think it is clear from ur Return that the hospital that is least costly the State in carrying out the Act is the ndon Lock Hospital?—No doubt the amount r bed is the smallest.

800. And yet the work is done equally well, it not?—Yes, as far as I know; then there e the expenses of sending up the women.

801. *Chairman.*] Is there any other point to ich you think it necessary to call the atten-n of the Committee?—Clause 28. Clause 28 ns thus: "If any woman subjected by order a justice under this Act to periodical medical amination." I think it would be well to add, Or who has voluntarily undertaken to submit rself to examination."

802. It is, in fact, bringing clause 17 under use 28, is it not?—Yes.

803. Mr. *James Lowther.*] Would not the second section of clause 28 apply; would not a woman who voluntarily underwent an examination come under that?—Possibly; but I think it would be just as well to do away with all doubt on the subject. Mr. *A. Greene,* 28 June 1869.

804. Dr. *Brewer.*] But you do not want her to be put to hard labour, do you?—If she misconducts herself, I think she ought to be put in precisely the same position as if she had been brought under the Act by a warrant of justice.

805. I thought you wanted to bring her under treatment?—If she agrees to submit to examination she should be compelled to comply with the ordinary regulations.

806. Then she would be punished as any other person for a breach of police, the regulations, would she not?—Yes.

807. Mr. *James Lowther.*] I presume that all your recommendations as to grouping hospital districts are liable to modification, if any extension of the areas is decided upon?—I think that if the limits referred to in clause 15 of the Act were extended from five to 15 miles, which I understand to be the proposal, we could still provide for them in the way suggested.

808. Dr. *Brewer.*] Have you heard the suggestion of setting aside a ward for pregnant women?—Yes; I think we could not do that; it would be too expensive.

809. And yet pregnant women propagate disease, do they not?—Yes; but why should not the guardians be compelled to receive them into the workhouses?

810. Do you think it necessary to classify the diseased cases?—I am hardly in a position to give an opinion upon that point.

Mr. Edward Waylen, m.r.c.s., called in; and Examined.

811. *Chairman.*] You are Visiting Surgeon Colchester under the Contagious Diseases Act, you not?—I am.

812. How long has that Act been in operation Colchester?—About five months; since the th of January 1869.

813. Have you any Lock Hospital accommo-ion at Colchester?—I have accommodation for patients.

814. Is that always amply full?—It has been rly full; I have averaged about 23 patients.

815. Do you find that the Act, so far as it has ne (although of course your experience must limited, it having been so short a time in eration), has been effective in Colchester?—I nk quite so.

816. I see in a Return which I have before , that cases of venereal disease and gonorrhœa very largely on the increase in Colchester; is t the fact?—I am not aware of that fact; my pression is quite the contrary. The Return ich is sent me by the principal medical officer the camp every week shows that last week re were 25 men under treatment in the camp of a total number of 1,655.

817. Can you give the Committee the detailed ort for your hospital for the month of January, l the number of cases per month?—I will do

818. Are the venereal disease and gonorrhœa ich is a form of venereal disease) on the in-.87.

crease or on the decrease at Colchester at this moment?—On the decrease, I should think. Mr. *E. Waylen,* m.r.c.s.

819. Has it been on the decrease since the Act came into operation?—I think so.

820. Do you attribute the decrease to the effect of the Act?—Yes.

821. Is it on the decrease not only as regards the number of cases, but as regards the character of the disease?—Yes; the cases are very much milder than they were even five months ago.

822. Do you think the Act either is popular, or is becoming popular, in Colchester among the persons to whom it applies?—I think it is becoming more popular; at first there was a considerable objection to examination among the women, but that objection is vanishing.

823. You have a system of periodical examination, I presume?—Yes.

824. Do you find that the women voluntarily submit to that?—They all sign a voluntary declaration; I do not think there has been one exception.

825. Are there many women brought by order of a magistrate?—There has never been one; they all submit voluntarily.

826. Have you heard the evidence which has been given by Dr. Barr with regard to the improvement in the character and condition of the women; and do you confirm that with regard to Colchester?—Quite so; I have myself remarked

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that the women are cleaner; and they are more chaste in their language.

827. Therefore, so far as your limited experience goes, you think that it is wrong to say that the Act has been unsuccessful at Colchester?—Quite so.

828. Have you heard that remark made?—I have.

829. And you distinctly deny it?—I deny it.

830. With regard to the necessity of an enlargement of the area of the town, do you think that it would be advisable to enlarge the area at Colchester?—Colchester has a large area already. I think that if the area is enlarged we should have enlarged hospital accommodation; our present hospital accommodation is sufficient for the present area, but it would not be for a larger.

831. Do you find that many women come in from a distance to Colchester now, and bring the disease?—Only, I think, when fresh troops arrive; they follow troops, and come in with the troops.

832. Then, you think the fresh disease brought into the town, is brought in by women attached to fresh regiments?—Yes, I think so.

833. Are there any towns and villages in the neighbourhood of Colchester, outside the area of five miles which harbour prostitutes?—At Ipswich there are a great number.

834. How far is Ipswich from Colchester?—Twenty-two miles, I think.

835. Do many women come into Colchester from Ipswich?—I think they do; I think they come in for a night or two, and then go back.

836. But are there any villages round about, outside the circle, which harbour prostitutes?—No very large villages.

837. With regard to the condition in which the women present themselves for examination, do you have many cases of women coming for examination in a state of drunkenness?—Not many; I have had one or two, but not more than that, I think.

838. Do many women present themselves who are not fit to be examined from natural causes?—I generally get about 20 to 25 women in each week, and perhaps four or five of that number cannot be seen.

839. By the Act, have you any power of detaining them until they are fit to be examined?—No.

840. Do you think it would be advisable to extend the power of the Act in that respect?—I think it would; I think they may produce disease during the interval.

841. How do you now deal with pregnant women who come to you in a diseased state?—I have no power to admit them, and I do not admit them; one patient I had in hospital was declared to be pregnant after she had been there a month; she was discharged, and she is still diseased.

842. Is she still pursuing her avocation?—I think not; the inspector of police tells me that she is not; she is living with her mother; if she prostitutes herself, she does it clandestinely.

843. Is she under no treatment whatever?—I am not aware; I am not treating her, but I do not know whether she is getting treatment from any other person.

844. Did you advise her to go to the workhouse?—She went home to her mother; I advised her to go home, and she is now living with her mother.

845. Dr. *Brewer.*] Is she married?—She is not married.

846. Sir *John Pakington.*] Was she badly diseased?—She was very badly diseased.

847. *Chairman.*] Do you believe that there are many soldiers in Colchester, who go about now in a diseased state?—I think not; I think they are sent to the hospital very quickly after they become diseased.

848. It is impossible to discover that they are diseased, except they voluntarily declare it, is it not?—That is so; I believe there is no periodical inspection.

849. Do you concur in the recommendation that there should be a periodical inspection?—Quite so.

850. Do you think that so long as inspection is confined to women, it will be impossible to make the Act entirely effective?—Quite so; I am surgeon of a militia regiment, and during the time we were embodied, nearly three years, I made a point of having a periodical inspection of my men, and that had a most admirable effect; I had very little disease.

851. Sir *John Pakington.*] How often did you inspect them?—Every week.

852. *Chairman.*] Did the men themselves object to that?—Not in the slightest degree.

853. They might have objected; you could not have compelled them to submit themselves for inspection, could you?—I could not have compelled them to submit themselves for inspection, though, of course, the colonel might have given an order.

854. You are aware, I suppose, that periodical examinations once prevailed in the army, and were abandoned, because it was supposed by the medical officers that they were of no good?—Yes.

855. Does your experience confirm that belief or otherwise?—I think the examinations are very valuable.

856. You yourself have found them to be very effective in three years' experience in an embodied regiment of militia?—Quite so; that was during the Crimean war when the system of examination was, I believe, generally acted upon.

857. Sir *John Pakington.*] For how long a period did you carry on that weekly examination of the men in the militia regiment?—During the whole time of embodiment; over two years.

858. It was during the war, and not in the mere annual training?—It was during the permanent embodiment.

859. *Chairman.*] Do you think that this Act itself is popular among the soldiers?—I do not think it is.

860. What objection do they raise to it?—They rather object to give information to the inspector of police as to women from whom they have contracted disease. There is great difficulty in getting information from them.

861. Dr. *Brewer.*] Have any women been brought before you who ought not to have been so brought, either by mistake or from false accusations?—I have never had such a case.

862. You say that there is generally an improved condition in the women under treatment and that, at any rate, they are cleaner?—Yes.

863. Do you think that they learn that cleanliness in your hospitals?—I think they do.

864. You have an unlimited supply of water have you not?—Yes, plenty.

865. B

865. But they have not an unlimited supply of water in the town, have they?—The water in the town is very deficient, as far as I can judge.

866. The neighbourhoods from which those cases mostly come is very ill supplied with water, is it not?—I think most of them come from low beerhouses in the neighbourhood of the camp.

867. All Magdalene-street is wretchedly supplied with water, is it not?—Very badly.

868. Is there any supply at all?—There is scarcely any.

869. Mr. *James Lowther.*] Provided that additional hospital accommodation, and adequate supervision, and so on, are given, would you see any advantage in extending the area beyond five miles round Colchester; are there no villages where prostitutes reside?—There are no villages of any size; if you extend it you must extend it to Ipswich or Harwich, which are at distances of 22 and 18 miles.

870. Mr. *Donald Dalrymple.*] But Ipswich is a garrison town itself, is it not?—I think there are no troops there now.

871. Lord *Charles Bruce.*] At first the Act was not at all popular at Colchester, was it?—At first it was not.

872. To what do you attribute that?—I think it was from fear; the women did not quite know to what treatment they would be subjected, and they do not like confinement.

873. I did not refer to the women, but to the inhabitants of the town; was the Act unpopular with them?—I am not aware that it was unpopular with the inhabitants; my impression is rather that it was a popular measure from the beginning, and I never heard the contrary.

874. Mr. *Mitford.*] Clause 24 has reference to the limitation of detention of women, the period limited being six months; do you think it would be desirable to extend that period to nine months?—I think we might get cases which would require a longer period than six months to cure, and it would be desirable to have that power.

875. Dr. *Brewer.*] The worst quarters where all the sailors congregate, are all within five miles of Colchester, are they not?—They are.

876. Mr. *Murphy.*] How long has this Act been in operation?—Since the 27th of January of this year.

877. Have you had any examples of women about to be discharged, and being cured, having expressed any desire to give up their mode of life, if they had an opportunity of doing so?—I know two cases of women who expressed that wish, and their wishes have been carried out.

878. In what manner?—One is gone to some institution in town, and she is doing very well; and the other went to a local reformatory, and she is doing very well; others have expressed a wish to go to homes, but before the time came for their discharge they have altered their minds, and refused to go.

879. Dr. *Brewer.*] How many prostitutes have you in Colchester?—There are now on the register 98; at the beginning of the year when the hospital was opened, there were 124.

880. Are they all under inspection?—They are all under inspection once during the month.

881. How many of the 98 are diseased?—Since the hospital has been opened I have found 77 diseased out of 425.

882. How often does the same case come to you diseased?—I have never had them a third or fourth time; I have had only about four patients a second time out of 77.

883. What proportion out of the 98 women have had disease to your knowledge since the commencement of the operation of the Act?—I have treated 77 women since the hospital has been opened; but some of those have been a second time.

884. Dr. *Brewer.*] How many soldiers have you at Colchester?—They vary from 1,500 to 2,000; there are about 1,655 men now, I think, and 98 women.

885. *Chairman.*] Are you speaking now of registered prostitutes who are obliged to submit themselves to periodical examination?—Yes.

886. Dr. *Brewer.*] Have you much prostitution of a concealed character in Colchester?—I think we have; I think there are a great number of young women who work at the factories and machine works, at whom the police have no means of getting.

887. Do they propagate the disease?—We have no means of knowing, because they are not women that the police can bring for inspection.

888. And you have no information about them?—I have no information about them.

889. *Chairman.*] Could you give the Committee a return of the number of men in hospital with disease?—I have a return here which was supplied to me by the principal medical officer of the camp; at the present time, there are 25 men in the hospital with venereal disease.

890. Sir *John Pakington.*] That is the same number as the number of women, is it not?—There are 24 women in hospital at present.

891. Have you reason to believe that, besides the 98 registered prostitutes in Colchester, there is a considerable amount of clandestine prostitution?—I think so; and the reason I have for thinking so is simply that the girls are getting very low wages, and they spend a great deal of money on dress, and so on.

892. And, whether or not that clandestine prostitution is productive of disease, you have no means of judging?—I have no means of knowing.

893. Have you any alterations to submit for an improvement in the Act itself, independently of the enlargement of the area?—I do not think of anything at present.

894. Dr. *Brewer.*] Have you power enough to bring all the women under discipline?—I think so; we find no difficulty about it.

895. *Chairman.*] Do you agree in the recommendation that there should be a clause added to the Act empowering you to deal with pregnant women?—Yes, that would be a great assistance, undoubtedly. It would alter the arrangements of the hospital very much if that were the case.

896. Mr. *Mitford.*] The Act empowers you to deal with pregnant women if you think fit; but it is a question of practice, and you do not think fit to carry it out, is not that so?—There is not hospital accommodation for them. We should require extra nurses and separate wards.

897. You do not think it desirable, for those reasons, to do it?—No.

898. Mr. *Kinnaird.*] A pregnant woman being in her third month might remain on, and might, in that case, occupy a bed, might she not?—She might remain for a short period; but it

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it would not be prudent or advisable to keep her there up to the time of her confinement. We have no convenience for keeping pregnant women.

899. Mr. *James Lowther.*] You stated, did you not, that the unpopularity of the Act among the soldiers arose from their being obliged to report cases?—I merely gave that as a reason why I considered that it was unpopular. I thought that, had the measure been a popular one, they would have given their information more willingly than they do now.

900. Is it by a regimental order that they are obliged to give the information?—They are not obliged to give information. The inspector of police is allowed by the military medical officers to go into the wards and elicit what information he can. It is quite voluntary, and they are always slow to give that information. My impression is, that if the Act was a popular one they would give it more readily.

901. Dr. *Brewer.*] Will you let the Committee know how many of those 98 women positively have had disease during the last five months?—I will ascertain it, and inform the Committee.

Mr. William Govett Romaine, C.B., called in; and Examined.

Mr. *W. G. Romaine*, C.B.

902. *Chairman.*] You are permanent Secretary to the Admiralty, I believe?—Yes.

903. I think that you have proposed some alteration in "The Contagious Diseases Act, 1866," for the purpose of improving the working of the Act?—It was found in the working of the Act of 1866, that there were two or three points upon which it was proposed, whenever a new Bill was brought in, that the Committee should be asked to amend it; and I had prepared, after the Report of the Committee of the House of Lords, of last year, a sketch rather than a draft of a Bill, with enlarged powers altogether; but I think it has been determined by the Government and the Legislature, not to extend the provisions of the Act of 1866 to towns other than those connected with the army and navy.

904. To leave out, for the present, at all events, all questions relating to the civil population?—In drawing out this sketch, I have suggested certain clauses to remedy those apparent blots in the working of the Act of 1866; and these, if the Committee thought proper, I could mention quite distinctly from the other subject. I should think that most likely Dr. Sloggett, who has been examined here, will have mentioned some of the same points, because I have from time to time heard from him, and whenever any difficulty has arisen, I have generally made a note of it with a view to its remedy and correction, whenever an opportunity arose. The first point was, as to the power which would be given to the visiting surgeon, to examine patients in hospital. Ample power should be given to him to go into the hospital and examine patients. At present he has no power at all in the hospital, except such as may be given to him by the authorities of the civil hospital. The Admiralty have had patients in the wards of civil hospitals, and therefore they have been to a certain extent controlled in their action by the civil authorities of those hospitals, and they have always worked very amicably with them; but still some difficulty has been experienced.

905. Do you apprehend that there would be anything like a jealousy on the part of the medical officers connected with those hospitals, at being supervised, so to speak, by an employé?—Yes; I think you would have to ask them to retire, in effect. I think that a local civil practitioner cannot well be allowed to remain in authority over lock wards; when we first began, it was really necessary to have wards in the civil hospitals, but I do not think it is so now; and I think it has been found in working, that the medical officers under the Act had not sufficient power; the Government, who pays, has not sufficient power within the walls of the hospital; the custom at present is, that each of the local medical practitioners takes one ward, or one will perhaps take a portion of a ward or a certain number of patients, and visit them once a week; now that is not enough; of course they are not responsible; they say, "as to this patient, you had better adopt such and such treatment, and I will see her this day week; then the house-surgeon is responsible to them for obedience to their orders.

906. Sir *John Pakington.*] Your advice then is, that the military or naval surgeon appointed for those cases should have exclusive jurisdiction in the lock wards?—He need not be a military or naval surgeon, but he should have exclusive jurisdiction, under the visiting surgeon.

907. *Chairman.*] And in short, that we should establish in those lock wards medical officers of your own?—Yes; they need not be military or naval men, but they ought to be appointed and removed by the Government who pays.

908. Would not that increase the cost of the working of the Act?—The Admiralty pay the house-surgeon; and for the same money you will get a man entirely under your own control; at Devonport, for instance, I think we pay 150 *l.* a year, besides so much a bed.

909. Mr. *Mitford.*] Is anything paid besides the 24 *l.* a bed of which we have heard, to the Lock Hospital, for the doctor who attends the Government patients, as you say is the case at Devonport?—Yes; besides so much a bed, you pay so much for a surgeon, and you give something for the chaplain as well.

910. These expenses are not included in the 24 *l.*?—No; that is beyond the 24 *l.*

911. *Chairman.*] It has been suggested that there should be an addition to those powers, and that they should be obliged to sign a certificate of discharge for every woman; and with regard to the military stations, an objection has been raised, which appears to have some weight, to the effect that you could not practically carry it out; for example, our patients from Aldershot come up to the London Lock Hospital, and are, as a matter of fact, under surgeons of very great experience and eminence; and if they are not to be empowered to discharge every woman, but if we are obliged to send up daily our visiting surgeon from Aldershot, for the purpose of signing a certificate of discharge, it would be practically impossible, would it not?—You are empowered by the Act to make a deputy visiting surgeon in addition to the visiting surgeon, and if one of the house-surgeons at that hospital was made a deputy,

eputy, with that power, you could get over the ifficulty in that way, if that was thought to be good way, and I think that would be the siest way of getting over the difficulty. There ould be no pay necessarily attached to the ap-ointment; you would have only to put it into ie "Gazette."

912. Mr. *Kinnaird.*] In the London Lock ospital you do not pay anything to the surgeon, you?—No.

913. *Chairman.*] What other suggestions have ou to make?—The next suggestion is, that iere should be no admission or discharge, with-ut the authority of the visiting surgeon, so as to ake him of superior authority over the house-rgeon.

914. Mr. *Kinnaird.*] I think I understood ou to say that the patients were only visited nce a week; are you aware that at the London ock Hospital there is paid by the hospital a gular house-surgeon, who is a competent man, nd who is always on the spot, and visits the tients from hour to hour when they require it, nd that there is a senior surgeon of the hospital, ho deputes the duty to the house-surgeon, but iat the house-surgeon is precisely the successor Dr. Barr, who has been examined here, and ho has been found to be competent; and do ou consider that the thing would work well, or iat you could get the thing carried out if you it the civil authorities of the hospital under the siting surgeon appointed under the Act?—At evonport, there were a certain number of hysicians practising in the town, who volun-rily and gratuitously gave their services; they me once a week, and they give their orders to ie house-surgeon, and without their authority one is discharged; and very often a patient is ept longer in the hospital than is necessary.

915. That is simply for the purpose of giving certificate, is it not?—The house-surgeon, of urse, is bound to attend once a day, and oftener, required.

916. He is resident on the spot; but the perior surgeon comes and confirms the treat-ent once or twice, or three times a week, if cessary; do you think that it would be desir-ble to authorise a military or a naval doctor to terfere?—He would not be necessarily a mili-ry or naval doctor; at Portsmouth, for instance, ie house-surgeon, and the visiting surgeon, are th civilians.

917. *Chairman.*] I wish to ask you incident-ly, with regard to certificates, whether you can form the Committee why it was that such a int was made of every woman upon her dis-arge being furnished with a certificate?—She only furnished with a certificate on being dis-arged after imprisonment, I think.

918. Practically it is the fact that they get a rtificate, and it has been shown to the Com-ittee in evidence, that those women use those rtificates for very improper purposes; have you y suggestion to offer which would avoid that?—I have drawn the 28th clause thus: "No oman authorised by this Act to be detained in certified hospital, shall quit the hospital without aving previously had read to her a notice from e chief medical officer and the visiting surgeon, the presence of the superintendent of police, to e effect that she is free from a contagious sease; such notice, and the fact of its having en read to her, shall be certified by the signa-re of the above-named officers, and copies of the said certificate and notice shall be kept, one by the visiting surgeon and one by the superintendent of police, and its production so signed, shall be sufficient evidence of the facts for all purposes."

919. Mr. *Mitford.*] Then your proposal is not to give the certificate to the woman herself?—Quite so.

920. That is your proposal for altering the present Act?—Yes.

921. *Chairman.*] Do you suggest any alteration in clause 17?—Yes. "Any woman, in any place to which this Act applies, may voluntarily, by a submission in writing signed by her, in the presence of, and attested by, the superintendent of police, subject herself to a periodical medical examination under this Act, for any period not exceeding one year"; and these words were proposed to be added: "and the visiting surgeon may thereupon and during such period give or cause to be given, notice in writing to attend for medical examination." The reason why those words were added to this clause, was in consequence of a doubt raised whether the words of the 19th and 28th clauses, related to women who had voluntarily submitted, but had afterwards refused or neglected to attend.

922. In short you would suggest that the 17th clause should in some way be brought under the operation of the penal clause?—Yes; the case arose before the magistrates at Portsmouth or Plymouth, and that point was raised on the woman's behalf, and she was released. It was thought very doubtful whether she came under that clause.

923. In section 24, it has been suggested that the power of detention should be extended from six to nine months, do you concur in that?—It is rather a medical question than anything else. There are a certain number of cases every quarter, where sometimes the women, after they have been detained six months, insist upon going to their friends, and sometimes they are willing to come back again to the hospital. But I remember that the former Committee thought that six months was as long as any woman ought to be deprived of her liberty at any one time.

924. Then there is an alteration which has been proposed to the Committee, in the 18th section?—The Admiralty have power to make regulation respecting the arrangements for the conduct of the examinations. It has been found that occasionally women come purposely drunk, in order not to be examined, and I propose this, "In case of any woman who shall come, or be brought to the place of examination, and shall be found not sober enough, in the opinion of the visiting surgeon, to be examined, and if found diseased, not sober enough to be sent to the hospital, the police shall have power to detain her until the time for the next examination, so that the whole time of detention does not exceed 36 hours;" and the same power to detain women taken up too late for examination on the same day. They keep themselves in hiding sometimes until it is quite late, and then the police are unable to take hold of them. It is very inconvenient to send them into hospital at late hours, as it disturbs all the patients.

925. Is not this the place where the alteration with regard to women who present themselves for examination in an unfit state, from natural causes, should come in?—I should think it would.

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926. The visiting surgeon has now no power of detaining them, has he?—No.

927. It has been shown to us in evidence that women in that state are in the habit of going away, being diseased, and spreading the disease; do you not think it very advisable that some alteration of the clause should be made so as to give power to the visiting surgeon to detain those women until they are fit to be examined; and would such an object be attained by the clause being thus worded, "intoxication or other causes"?—The police have reported that women very often are not in the state which is supposed, but really paint themselves, and make themselves in a horrible state, in order purposely not to be examined, not being in that state; and that if they could detain them for a few hours they would be found not to be in that state.

928. Might not such an amendment as this be made, "Women presenting themselves in a state of intoxication, or in a state which makes them, in the opinion of the visiting surgeon, unfit for examination"?—Yes.

929. Mr. *Murphy.*] Would you propose to put that at the end of clause 18?—Yes. The 20th clause of the Act has been read as enacting that if a woman was examined and found in that state it was absolutely necessary, without any discretion at all, to send her to hospital; although in examining 20 or 30 women afterwards, he found many worse cases; and it is proposed to give him a discretion to send the worse cases.

930. *Chairman.*] That is to say, if there was limited hospital accommodation?—Yes, that occasionally happens. "The visiting surgeon, nevertheless, to be allowed to exercise his discretion in sending to occupy such beds as may be vacant in the hospital, those which he may consider the most urgent cases, if at any times there should not be immediate room for all the women found diseased"; and then with regard to pregnant women, "And if, on examination, a woman shall be found diseased and pregnant she may, if the visiting surgeon shall consider that she cannot conveniently be received in a certified hospital, be sent to the workhouse for cure and detention."

931. Would not such an alteration as that require some further legislation than an amendment of this Act?—She is found diseased as well as pregnant.

932. Mr. *Kinnaird.*] Would the workhouse authorities have power to keep her under the Act?—It would be for cure and detention; I think you keep paupers in a workhouse now; they do not allow them to go out when they like.

933. *Chairman.*] But supposing that a better class of prostitute, rather better off, presented herself for examination in a state of disease and pregnant, and she declined to go to the workhouse, would you take the power then to compel her to go to the workhouse; and having compelled her to go to the workhouse, would you take power to compel the workhouse authorities to admit her, which you do not now?—The better class of women are hardly those who come under the operation of this Act; the Act deals with common prostitutes; they are a class which in towns like these is perfectly well known. The persons that you are mentioning would hardly come under the operation of this Act.

934. But there have been a great many persons who have presented themselves for examination, at Aldershot particularly, who are not common prostitutes, such as servant girls, and so on; how would you propose to deal with such cases?—I do not know that I have met with any cases of that kind.

935. At all events, there are, so to speak, non-professionals who present themselves, are there not?—Then they do not come under this Act.

936. They voluntarily submit themselves, do they not?—Throughout the whole of this Act the term is, "a common prostitute."

937. Then would you suggest that all pregnant women, being common prostitutes, who present themselves in a pregnant state should be compulsorily placed in the workhouse?—I could not think of any other way of dealing with that class of women. There is no asylum, or any place of that kind to which you could send them.

938. Sir *John Pakington.*] Are you aware that the system which you recommend, of compulsorily remitting a diseased pregnant woman to the workhouse, is not consistent with the existing law?—I do not know that it is contravened anywhere.

939. In the first place, do you know that no one is a fit inmate for the workhouse who is not destitute; and, in the next place, that no person can be detained in a workhouse against his or her will, if he or she is willing to go out without receiving parochial relief?—It was a choice of difficulties; I took it that "destitute" would meet most of the cases.

940. I apprehend that the points now suggested to you would offer considerable impediments to looking at the workhouses as the resource in those pregnant cases; would you see any objection to retaining pregnant women in the Lock Hospitals, so as to avoid their being kept there up to the time of their confinement, if they were not cured before?—It was rather from a report which I received from Devonport of the difficulty of retaining pregnant women in the hospital. They thought it was a very inconvenient course to have pregnant women confined and delivered within the hospital.

941. Is it within your recollection that I myself, when at Portsmouth, directed two beds to be set apart for pregnant women?—Yes.

942. Is it not far better that a pregnant woman should be retained in the hospital until she is cured, rather than that the woman should be sent forth to propagate disease, and to prolong her own disease up to the time of her confinement?—Very much better; the difficulty was the want of hospital accommodation.

943. Provided the confinement of the woman in the Lock Hospital is avoided, I presume you would be of opinion that it would be as desirable to keep pregnant women there as any others?—Quite so; but I understand from the doctor that in cases of that kind, where women are diseased in that way, you could never be certain when they would be confined.

944. Dr. *Brewer.*] In the case of premature births, the children would be born dead, would they not?—I suppose that would depend upon the length of time that it was premature. There is one other matter which would come in the same category, and that is the case of a woman who after having been treated for a long time in hospital, is pronounced by the doctors to be incurable; and those cases are not very uncommon.

945. *Chairman.*] With regard to incurable cases

ses, what would you suggest?—The incurable ses must be dealt with in the same way, by nding them to the workhouse, unless there is an asylum. If you sent them to an in- rable asylum, you would require a power of tention; but those are cases which clearly ought t to be allowed to go about the world, and yet ur power of detaining them in hospital ceases er a time. The medical men say that many those women go out with the power of con- ying disease, who are yet incurable by medical ience.

946. Could you furnish us with any returns the incurable cases which have come under e view of the medical officers?—I think so; I not have them abstracted, but I have no ubt that in almost every quarter there would found to be one or two cases of incurables. I e on 2nd January 1869, "Devonport, secondary philis, 2; pregnant, 2; one incurable, not ad- tted." It would not be a large list, but still se cases are constantly recurring, and I will rnish such a list to the Committee.

947. Sir *John Pakington.*] The case of in- rables is at present unprovided for, is it not?— is entirely unprovided for. I suppose that if e Government paid, there are asylums which uld receive them, but there is no place at pre- nt where you could send them. There are ylums for incurables, with other diseases, and the Government continued to carry on this stem they might very easily have a small ard attached at a hospital of that kind where ey might receive incurable patients.

948. Mr. *Collins.*] Would you treat them like natics, and deprive them of liberty altogether? Yes, until they were cured; you might give a *us pœnitentiæ* if people would come forward d give guarantees for their good behaviour.

949. *Chairman.*] Are there any other altera- ns which you would suggest?—In the 29th use, after the words "after, and notwithstand- g her imprisonment," I would omit the remain- of the clause, and I would substitute the lowing words: "If she shall be found resident thin the limits of any place to which the Act plies, for the purpose of prostitution." I would ve out these words, "unless the surgeon, or ier medical officer of the prison, or a visiting geon appointed under this Act, at the time of r discharge from imprisonment, certifies in iting to the effect that she is then free from a ntagious disease (the proof of which certificate all lie on her), and in that case the order sub- ting her to a periodical medical examination all, on her discharge from imprisonment, cease operate." At the end of the 32nd clause, I uld add the words, "unless she be found resi- nt within the limits of any place to which this t applies, or within five miles of those limits for e purpose of prostitution."

950. It has been suggested to leave out all e words, after the words "one year," in the nd clause; that would answer the purpose, uld it not?—I think that would answer the rpose, so that the clause should end with the rds "one year."

951. Are there any other alterations which you uld propose?—There is an additional power re- ired to deal with unruly women in the hospital. e better opinion seemed to be that there ought be some power of separating them from the iers, and detaining them separately. At pre- sent there is no doubt that you might do it, that is to say, by putting a woman into a room by herself, or with only one other; but if it was by law it would remove all difficulty.

952. Dr. *Brewer.*] How could that be done?—Merely by having one or two small rooms, with only two beds in them in the hospital.

953. *Chairman.*] Are there any other alterations?—That is all.

954. Lord *Eustace Cecil.*] Have you at all considered the expediency of having soldiers and sailors under examination, as well as women?—Yes, certain regulations have been made by the Admiralty with regard to sailors. In every port where the Act is in force and a ship comes in, the senior officer is bound to have the men examined before they land, but not indiscriminately. There are certain regulations drawn up, by which only men under a certain age, and unmarried, are examined.

955. Are you prepared to draw up any general clauses which would apply to both services?—There would be no difficulty in doing it; the Admiralty have done it by their regulations, which have been out for two years, I think; it was found that whenever a ship arrived, in three or four days there was a difference, and the same with a regiment.

956. Dr. *Brewer.*] It is, indeed, the source of the breaking out of new disease, is it not?—It is quite so; it was found, even in the South Seas, that one of our vessels would go to an island in the Pacific, where disease had been utterly unknown, and you immediately had an outbreak of disease; so that the visit of a man-of-war in one of those islands was a curse.

957. *Chairman.*] Have you taken any money in your estimates this year for the purpose of enlarging this Act?—Not for the purpose of enlarging it.

958. Have you taken any money at all?—No; I think that there is no excess on last year's estimates, or a very small one, because our building had very nearly come to end; we had been enlarging hospitals, and I think the expense was nearly at an end.

959. What hospital accommodation have you at Portsmouth?—One hundred and twenty beds.

960. Are they generally full?—Always, I think, at Portsmouth.

961. At Devonport, what hospital accommodation have you?—At Devonport, lately, some of them have been empty. There are 160 beds there. They report the reason to be, in a great measure, that the women, to avoid being examined, many of them live outside the five-mile limit, and the consequence is that the police, although very active and well-managed, have not been able to bring in enough to keep the beds full.

962. It has been suggested by your visiting surgeon, Dr. Parsons, of Portsmouth, that he can do very little with the Act, unless Southampton and Chichester be included in it; supposing that Southampton and Chichester were included in it, would you see any difficulty in providing hospital accommodation for the persons who would come from those two towns?—At present the beds at Portsmouth are always full; you could find accommodation, but you would have to spend more money; I never received a report from the police on the subject; but they could tell you best how many beds would be required for each of those places.

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963. Supposing that such a recommendation were made by the Committee, would you have money enough in your Estimates to carry it out this year?—No; we should have to ask the Treasury for money. With a recommendation from the Committee, the Treasury would make no difficulty in giving the additional sum.

964. Dr. *Brewer.*] Do you agree as to the great importance of extending the existing area to 15 miles?—Where you are going to take so large a power as to have an area of 15 miles, I think all the places should be specified in the Schedule to the Act.

965. Mr. *Mitford.*] Instead of giving a general power as regards the district?—Yes; the 15-mile limit, for instance, unless it was specified and very carefully drawn, would take in all London.

966. *Chairman.*] But you might specially exempt such places, might you not?—Yes, you would have to do so. The clause would be drawn with an instruction.

967. Mr. *Mitford.*] Might there not be a limitation, as with regard to Woolwich, in the Act of 1866?—Yes.

968. Dr. *Brewer.*] You admit that the hospital at Devonport is not full, not because disease is not rife there, but because the women go to live beyond the five-mile area to which the Act extends; how then do you propose, unless you extend the area, to mitigate the disease?—I propose to extend it; merely specifying in the Schedule the places to which it extends.

Thursday, 1*st July* 1869.

MEMBERS PRESENT:

Dr. Brewer.
Lord Charles Bruce.
Mr. Donald Dalrymple.
Sir James Elphinstone.
Captain Grosvenor.
Marquis of Hamilton.
Mr. Kinnaird.
Mr. James Lowther.
Mr. Mills.
Mr. Mitford.
Sir John Pakington.
Sir John Simeon.
Mr. Tipping.
Sir John Trelawny.
Captain Vivian.

CAPTAIN THE HON. J. C. W. VIVIAN, IN THE CHAIR.

Inspector JOHN SMITH, called in; and Examined.

Inspector *J. Smith.*

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969. *Chairman.*] YOU are Inspector of the Metropolitan Police at Aldershot for the purposes of the Contagious Diseases Act, 1866, are you not?—I am.

970. Have you been at Aldershot in that capacity ever since the Act was first in operation?—I have.

971. How many policemen have you under you?—I have one inspector, one serjeant, and six constables, but they are not all employed under the Contagious Diseases Act. We have the general duties of the camp to perform as well.

972. Is there a police barrack there?—There is not.

973. Is there no police accommodation whatever?—None whatever.

974. Do you find great inconvenience from that?—Very great inconvenience.

975. Have you no place for confining anybody whom it is necessary to take up?—None whatever.

976. Will you tell the Committee what your duties are with regard to the Contagious Diseases Act?—I will. The duties consist in watching for women who are supposed to be prostitutes, women who are not residing in brothels, and women who are practising clandestine prostitution; and warning them to attend for medical examination, and conveying them to and from the hospital, or to their homes; in fact, every duty connected with the carrying out of the Act.

977. You have spoken of clandestine prostitution, and do you believe that there is much clandestine prostitution within the camp at Aldershot?—I do.

978. Have you any power over clandestine prostitutes?—We have no power; but I satisfy myself always either by myself or from some good information that I obtain, and I always make it a point to see those people. I see them and tell them what I have seen or heard, and in most cases they do not deny it, and I warn them to attend for medical examination. That is my practice.

979. In what class of life are those clandestine prostitutes?—Various classes. As a rule, they are of the lower order; I could not say that any person who is practising as a clandestine prostitute is moving in what I might call a respectable sphere of life. They are as a rule labourers' daughters, and people of that class.

980. Shop girls?—I think not.

981. Servants?—Servants occasionally.

982. Under the present Act, what power would you have over a servant who you had reason to believe was practising clandestine prostitution?—First of all, I should warn her to attend for examination under the 17th section of the Act. If she did not attend for examination, and I had good reason to suppose that she was diseased, and was conducting herself as a common prostitute, I should then lay information before a magistrate in the usual way, and get her summoned before him; and if she did not appear by herself, or by some person on her part, then I should ask the magistrate to be good enough to make an order for her examination, which of course would depend upon the magistrate. If the evidence was sufficient to justify him in making the order, he would do so; and if he did, I should then serve a copy on her; and in the event of her not attending, I should then apply to a magistrate for a warrant to apprehend her; she would then be apprehended and brought before the magistrates in the usual way, and charged with the offence.

983. What nature of evidence could you offer with regard to a woman in service in a house?—For instance, if I went to the military hospital and a man was in his bed and he told me that So-and-so had given him the disease, I should then make some inquiries; I should very likely ask the hospital serjeant or some person about, if the man's statement was to be relied upon, and if he was likely to tell me the truth or not; I should be very cautious not to interfere in any way with any person in service or living in any respectable place, or anything of that sort, without good foundation. If I found that the man's statement was to be relied upon, I should keep observation upon this party for some time, and if I found out that the woman went out to public-houses, and was seen in company with various men, and that kind of thing, then I should take upon myself to

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warn her; but if I saw nothing of the kind whatever beyond the man's mere assertion that such was the case, I should not take any notice of it.

984. But on the whole, do you believe that clandestine prostitution is carried on to a great extent in the camp at Aldershot?—I do.

985. And do you think that that is one of the difficulties which present themselves to the complete fulfilment of the objects of this Act?—I think it is one difficulty, but I should not like to say that it is the greatest difficulty.

986. With regard to the class of women who live by this prostitution, where do they principally reside?—If the Committee will allow me to produce a return, showing the residencies of the prostitutes in the district. In private rooms there are 38; in brothels, 120; in public-houses, 1; in beer-houses, 72; with parents, 5; making a total of 243. (*The same was delivered in*, vide *Appendix.*)

987. The number which Dr. Barr gave was considerably larger than that; how do you account for the difference?—It is very likely that Dr. Barr and I may both be right. It is possible that Dr. Barr has included those who have attended for examination recently; if so, I have no doubt that it went up to that number, because we have had a good many women come in lately, but they come in and go out again. Dr. Barr would not be in a position to know now what has become of those women so well as I should. If a woman leaves the neighbourhood I should very likely know the same day where she was gone to.

988. Dr. Barr spoke to us about some of those unfortunate women who live neither in rooms nor brothels, nor public-houses, but absolutely in drains; do you believe that there are any such now in Aldershot?—I do not think that they exactly reside in drains or places of that sort; but there are a few who are very dirty women, who go to public-houses at night, and the dirtier they are, the more likely they are to be about the roads when the soldiers are going to the camp during the night time. They intercept them there, and they go with the soldiers. They are very dirty, filthy women, and it is very likely that the soldiers would not go with them in the daylight if they were to see them; they occasionally sleep under a hedge, or anywhere where they can get shelter. It has been the case that as many as 10 or 12 women have been found sleeping in a large drain, but I do not think they do it as a rule; in fact, I am sure that they do not.

989. Do you remark any difference in the character and condition of those women since the operation of the Act?—I do; a very marked difference. They are much better clothed, and much better behaved now than formerly.

990. Have you found any difference with regard to their willingness to submit themselves to periodical examinations?—Yes; they are much more submissive now; they begin to see that it is for their good. They say that it is for their own benefit, and they come up very regularly. If there were 60 women warned for examination (as there will be to-morrow), very likely about 57 or 58 will attend, and that, I think, is very good, considering that some of those women have to wash their clothing, and all that kind of thing, before they can come up. They like to come up as clean as they possibly can, and a few of them may be disappointed in that; but those kind of women are almost sure to present themselves the next morning.

991. Therefore you are justified in saying that this Act is popular with regard to those persons to whom it is meant to apply?—I am.

992. And that it has been of great benefit already within your limits at Aldershot?—It has been of very great benefit.

993. Do you find that many of those women try to evade the operation of the Act by going beyond your present limits of five miles?—No.

994. Do you think that the limit of five miles is sufficient?—It extends beyond five miles at Aldershot; that is, if I understand the question rightly. I do not think it would be necessary to extend it beyond five miles from the Aldershot district.

995. Under the Metropolitan Police Act the metropolitan police have power within an area of 15 miles, have they not?—That applies to any military or naval stations, such as Aldershot, for instance.

996. And you yourself do not see, so far as Aldershot is concerned, any necessity for extending your powers to the same powers which you have under the Metropolitan Police Act?—I do not see the necessity of it in the Aldershot district.

997. We have had it in evidence that some of those women are in the habit of going beyond the limit during the day, coming into the camp at night, and so evading those examinations; is that the case?—The only time that I know of when they would go away would be in this way. It happens sometimes that the flying columns go out for a day or two, but it is very rare; and then very likely they would follow them when they went out for a day or two, but they would come back again, and very likely get into the lodgings which they had left. I do not know of any case where they have left for the purpose of evading the Act.

998. Do you find that the publicans whose houses those women of necessity frequent, throw any obstacles in the way of your performing your duty under the Act?—No, I have never found any difficulty with publicans, though I have found a little difficulty with private individuals who keep those people.

999. You have a large number of casual visitors of a very low order at Aldershot, have you not, such as tramps?—We have.

1000. Have you any power to deal with them under this Act?—None whatever under this Act.

1001. Do you find great difficulty then resulting from tramps of both sexes?—Yes; I find that those male tramps are generally accompanied by one or two women, or as many as they can get to go with them. I have known some men to have five or six women, and they hang about the roads, and they make those women conduct themselves as prostitutes with soldiers during the night time, and then the men are in the habit of receiving the money and spending it as they think proper. I always find that those women when they are admitted to the hospital remain there for two or three weeks, or until they are cured, and then they go out again, and perhaps 24 hours after they have been out they are with those same tramps again, and with the soldiers, so that almost immediately after the women are discharged from hospital they are diseased again, and are still communicating the disease to the troops. I think that, to a very considerable extent, both soldiers and women are in the hospital in consequence of this. I should think myself from 40 to 45

men

men and women are daily in hospital from that cause.

1002. Sir *James Elphinstone.*] Are the men diseased with whom those women live?—Yes; that is what I mean. The tramps are diseased, and the women who frequent them are also diseased.

1003. *Chairman.*] Was there not a very notorious scoundrel of the name of "Ginger," who used to frequent the camp for some time, and who lived by getting hold of girls and prostituting them with soldiers?—Yes; I laid information about him before the magistrates, and got a warrant for him, but it was some time after he had left, and he has not been there since. There were six women who had been with this man, who were each of them in the hospital for very considerable periods. This man used to have those women, and two or three other men and boys, and as many as he could get, and send the boys to the camp to get bread, and sometimes he would send them begging, and he had all sorts of means for obtaining money and food.

1004. Dr. *Brewer.*] Did he bring young girls into the camp?—One was a very young girl; the one for whom I got the warrant.

1005. *Chairman.*] In pursuing your duty, do you ever have occasion to talk with soldiers about this Act?—I visit the military hospitals, and there I have an opportunity of talking with the soldiers about it.

1006. With regard to the soldiers themselves, do you think that the Act is popular with them?—I think so with the majority of them, although there are many men who keep back from giving the information; but I believe that with the majority of them it is very popular.

1007. Can you tell the Committee whether you have any grounds for believing that there are many diseased soldiers going about who have not given themselves up, and who are not under treatment in hospital for diseases of this class?—Yes; I have for a very considerable time been impressed with the belief that many men are at large who are diseased, and who ought to be in hospital, from seeing them so frequently in the chemists' shops at Aldershot. I have taken some trouble to see what they were doing and bringing out; and I thought I could see by what they were taking out what they were having; so I asked one of the chemists if he would be kind enough to take the numbers of the men whom he served with this particular medicine during one week; and he did so, and he very kindly gave it to me.

1008. Have you that with you?—I have.

1009. Will you read it if you please?—On Monday, 14 June 1869, there were 16; on Tuesday, 15 June, there were 13; on Wednesday, 16 June, there were 17; on Thursday, 17 June, there were 18; on Friday, 18 June, there were 11; on Saturday, 19 June, there were 23; the total being 98 in one week.

1010. Did the chemist who supplied you with those numbers tell you that he knew that all those persons were under treatment for one of the two diseases?—He did.

1011. He knew that as a fact?—Yes.

1012. Is this one chemist?—This is one chemist.

1013. How many chemists are there at Aldershot?—There are four in the neighbourhood of Aldershot; this shop perhaps does the most trade in this line. There is another one perhaps equal to this; the other two I do not think do quite as much.

1014. But do you think that there are certainly quite as many men supplied with this medicine by the other three chemists together, through the week, as are contained in that return?—There would be more with the three.

1015. That would make an average of 200 men a week?—About that; but it is possible that some of those men may have called twice; I am not in a position to say that it was 98 different men, but 98 different applications were made.

1016. Do you often have information from women as to men being out of hospital and diseased?—I do; when women have been discharged but a very short time, and they are certified to be diseased again, I always make it a practice to ask them with whom they have been to give them the disease again so quickly; and some of them tell me, and others do not; but I very often get information in that way.

1017. I gather from what you have told the Committee that you think that though the Act is not entirely inoperative, at all events it will not have all the beneficial results which are desired, unless there are some means of periodically examining men as well as women?—That is my opinion; I believe that it can never have that good effect which it is intended to have without that.

1018. You have stated, have you not, that you have had frequent occasions to report men as going about evading treatment, who are diseased?—I do not exactly report them, but whenever I get information of any person being diseased in that way, my object is to get all the information from the soldier which I possibly can. Consequently I endeavour to keep on as good terms as I can with them, and whenever I get any information in that way, I always give my report to the Inspector General of Hospitals, and then he sends it out to the medical officer of the regiment, with instructions what to do; so that whatever I have to do with it is through the Inspector General of Hospitals. I do not go to the regiment, and report it direct to the commanding officer; that is understood between the Adjutant General and the Inspector General and myself.

1019. With regard to pregnant women, how do you deal with them when you have found out that they are diseased, and when, on account of their pregnancy, they cannot be taken into the Lock Hospital?—I have been appointed assistant relieving officer for the Farnham Union, and for the parishes included in that union, and I should give them an order to go to the Farnham Workhouse.

1020. Do you believe that the cost of those unions in the neighbourhood of Aldershot has been reduced, on account of the operation of this Act?—I think very considerably; for when I first went there, I made inquiries as to that, and I was then informed that 30 was the average number under treatment in the Farnham Union from the neighbourhood of Aldershot for the venereal disease alone. Now they do not have any such cases in their workhouse, unless it may be a few pregnant women.

1021. So far as your experience goes, do you believe that there would be any objection on the part of the workhouses to take in those women, supposing that they themselves were willing to go there?—I do not know of any objection on their part.

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1022. You have no power to compel a pregnant woman, though you know her to be diseased, to go to the workhouse, have you?—None at all. If a woman is destitute, and wishes to go, she goes; but if she does not choose to go to the workhouse, I could not compel her to do so.

1023. But, by the present law, you cannot send any but a destitute woman to a workhouse, can you?—No.

1024. Therefore, by the law, if a pregnant woman comes up for examination, and she is not destitute, you cannot send her to the workhouse?—No; I have no power whatever then.

1025. And therefore she goes at large and spreads the disease as she chooses?—Yes; she could do as she chooses then.

1026. Dr. *Brewer.*] Have you reason to believe that in those cases of clandestine prostitution both men and officers are diseased by those women?—I have no doubt that in many instances where men refuse to give me any information, which they very probably could do, they have contracted the disease from some clandestine cause.

1027. Do the same women give the disease to both officers and men?—I think so.

1028. With regard to servants in respectable places, have you observed that many of them are supposed to be indulging in clandestine prostitution?—I do not think that there are many; it much depends upon the class of people where they are living, and with whom they are living, and what temptations there are in their way. For instance, servants living in public-houses, and with some tradesmen who are not very particular in their housekeeping, and all that kind of thing, misconduct themselves when opportunity offers.

1029. Have you ever been able to get any of them to go for examination in hospital?—Yes, I had one woman in particular who lived with an officer in the camp, and the officer found it out, and he came to me about it. He was living in the neighbourhood of the hospital, and I did not know, neither did he know with how many men she had had connection, but it was reported to him by another servant, a male servant. This servant, who was occupying the kitchen, heard a noise in the next compartment during several nights. He did not know what it was, and he told his master that he believed there was something going on that ought not to be; and his master told the master of the person who was sleeping in this room, and he kept a watch there to see what was going on. It seems that the men were actually coming out of the venereal wards and going with this very servant, and she was in a very bad state of disease in consequence.

1030. And that woman you were enabled to get to be inspected at the hospital?—The officer came down to me, and I went up to his quarters where she was, and he told me the whole of the circumstances in her presence. I said "Very well, if such is the case the best thing you can do is to attend at the Lock Hospital for medical examination;" she denied that such was the case, and I left the house and she left the house; and I think two or three hours afterwards, or something like that, she came to the hospital, the medical officer examined her, and she was certified to be diseased.

1031. Was this rather an exceptional case?—It is an exceptional case.

1032. Were those men discharged from the venereal wards?—No, they were patients from venereal wards.

1033. How did they get out from the venereal wards, then?—There is no boundary in the camp, and men could come out of one ward and go into another, or from the ward into the officers' kitchens.

1034. Then is there no restraint whatever?—None whatever.

1035. Is it your observation that soldiers under treatment get out and communicate with women of the town?—No, not of the town; I was asked about servants conducting themselves in this way, and mentioned this circumstance as one of a person living in service prostituting herself, and becoming diseased.

1036. You have stated, have you not, that you are of opinion that there is a great deal of clandestine prostitution?—Yes.

1037. And among the prostitutes you mentioned servants as well as labourers' daughters as constituting that number?—Yes.

1038. Do you find generally a great difficulty in getting those servants to be examined by the hospital surgeons?—I find difficulty in this way: I do not like to class them as prostitutes unless I have some proof. I know from the fact of seeing them at different places during the night, and in company with different men; that is when they are perhaps in their masters' houses, and so on, in the evening; that makes the difficulty.

1039. Does that spread the disease, to your knowledge?—It does.

1040. If a servant should be sent to be examined in this way, would it be known to the master and to the mistress?—I should not think of warning the person unless I said something to the master or mistress about it, because I should not warn the person without I was fully satisfied, and the same would apply to girls living at home with their friends; I should not think of warning them unless I mentioned to their parents, or very likely I should caution the parents, and so on, beforehand.

1041. Does the fear of their losing their situations prevent their going to be examined?—Girls in the habit of living in a place very long do not conduct themselves, I think, as prostitutes; it is only just a few who are in a situation for a few weeks and out again. I have known girls who have been prostitutes and have been admitted to hospital, and who, when they have been out a week or two, have obtained places, and they have remained in the places for a few weeks, and I believe (though I have no proof to that effect) that they are conducting themselves, as opportunity offers, as prostitutes. I do not mean to infer that respectable servants, living in gentlemen's houses would be looked upon as prostitutes. Non-commissioned officers, who have families, sometimes have young girls to mind their children, or to assist their wives, or anything of that sort, if the wives are ill. They are engaged for a few weeks only, and they often misconduct themselves; those are the kind of servants I mean.

1042. You say there are five prostitutes with their parents at the present time; are those prostitutes known to their parents to be prostitutes?—Yes.

1043. And are they, with the consent of their parents, prostitutes?—I do not think they are exactly with their consent, although it is with their knowledge.

1044. *Chairman.*]

1044. *Chairman.*] Are there not, within the strict at Aldershot, parents who lend their hildren for the purposes of prostitution?—There ave been two or three, but there are none, at the resent time. There were a few, but they have ft the neighbourhood

1045. Dr. *Brewer.*] What is the extent of the eration of your duties in this respect from the entre of the camp?—It includes 22 parishes.

1046. How many square miles does it include?—I should think it includes about 250 square iles.

1047. Have you any means whatever of warning male and female tramps off within this radius f five miles?—The female tramps I warn to ttend the Lock Hospital the very first time that see them. I make inquiries about them, and hey generally satisfy me that they are prostiutes, and then I warn them at the hospital at nce, before they have an opportunity of doing arm.

1048. Sir *James Elphinstone.*] I suppose all he tramps are prostitutes?—I do not know that ll of them are, but a good many of them are.

1049. Dr. *Brewer.*] Can you warn off the hen?—If I find them on the Crown land I can arn them off, but not otherwise.

1050. Though you know that they are with omen for the sake of prostitution, you cannot o anything with them?—I cannot.

1051. Sir *James Elphinstone.*] With regard o those men getting out of the venereal ward; re not soldiers confined to the hospital when hey are diseased?—They are certainly confined o this extent: that they are detailed to a cerain ward, and they remain in this ward; but hey have to go out of the ward for all necessary urposes, and things of that sort. There are no onveniences whatever in the ward, so that it is ot an unusual thing to see men out of the wards uring the day or night. There is only a roadway of perhaps 30 or 35 feet across, and they ave to cross the roadway to get over; so that here is nothing whatever to prevent them.

1052. Mr. *Mitford.*] You stated that the omen were now generally much better clothed, etter fed, and much better to do, apparently; ow do you account for that?—I account for it n this way: they are brought out the days of xamining, and I and others go round to the places where they reside, and they are in the habit of eeing strangers coming into their haunts; and ome of those women who have any cleanliness r pride belonging to them, clean the place, or idy the place up, and they do not lie about the ublic-houses and get drunk so much, because hey have to go up for examination. As a rule, must say, that now they come up very sober nd well behaved. It is a very rare thing to see woman present herself in a drunken state. I hink that that is the cause why they keep themelves clean and tidier than they would otherwise.

1053. Is the number of prostitutes larger or maller than it was two years ago?—In April 867 (which was the month when the Act was ut into operation) there were 266 prostitutes in Aldershot; then in June 1868, there were 248, nd in June 1869, 243.

1054. *Chairman.*] The number of troops, I hink, has been about the same?—The average or the year was 12,090, from the 1st June 1868 o the 31st May 1869. I have not a return of he number of troops for the previous year. The number of days lost to the service was 54,222 for the year ending the 31st of May 1869. That would be equal to 148·553 men's service; I have made a calculation of their costing, perhaps, 100 *l.* a year, taking in the expense of medical officers, and hospital sergeants and orderlies, and medicines, and all that kind of thing, and I find that it would be about 14,855 *l.* 6 *s.* 10 *d.*

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1055. Mr. *Mitford.*] That would be saved if we could contrive to stamp out the disease, would it not?—If it could be stamped out, the whole of that would be saved.

1056. You stated, did you not, in answer to a question which an honourable Member asked you, that when pregnant women were not taken into the Lock Hospital, you gave them an order to the union workhouse?—Yes; provided that they were destitute, and chose to go.

1057. But supposing they are not destitute, what happens?—Then I have no control whatever over them.

1058. Supposing they are destitute, do they generally make use of this order, or do they decline?—They make use of it as a rule. Of course, if they decline, I have no power whatever.

1059. Mr. *Mills.*] And the workhouse authorities have no power, have they?—No.

1060. Mr. *Mitford.*] With reference to clause 36, which is the clause with regard to harbouring prostitutes, do you think that could be improved in any way?—Yes; I think it could be very materially improved.

1061. Will you state in what way you think it might be improved?—I have never taken action under this section, and, therefore, I do not know exactly what effect it would have, but I presume that there would be very great difficulty in proving before a bench of magistrates that the keeper of the house knew those people were suffering from contagious disease. I cannot see how that could be well proved.

1062. Do you mean that owing to those words, "having reasonable cause to believe," a difficulty would be created?—Yes; because the party would be sure to deny that he had cause to believe, and I think there would be a very great difficulty in proving it.

1063. What would be your suggestion by way of improving it?—My suggestion would be that they should prove to the contrary, that they were not diseased, that they should submit themselves in the usual way, and that the keeper of the house should be liable, whether the women were diseased or not, for harbouring them, knowing them to be prostitutes.

1064. When you look at how that would work, does not a woman, a stranger to the brothel-keeper, often come to the house with a man?—Yes.

1065. How would the owner of the house be able to know or to find out that she was diseased?—I do not think that he would have any knowledge of that; but I think that if he lodged parties in his house, and kept them there, and encouraged them to remain there without complying with the Act, that should stand instead of this.

1066. Only in cases where they are lodging, and not where the women may casually come in?—No, I do not think so.

1067. *Chairman.*] That would only affect one case at Aldershot, because, according to your

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Return, there is only one woman lodging at a public-house?—No, but many of those women evade that. I do not mean to say that they do not frequent public-houses; they are there for the purpose of prostitution very often.

1068. Sir *James Elphinstone.*] Then are there rooms or tenements about those public-houses to which they go?—Those publicans who encourage them to come in generally hire a few cottages convenient to the house; and although it is not actually lodging in the house, still it is under the control of the landlord of the house.

1069. Mr. *Mitford.*] Have there been any convictions under that section? — No, I have never had occasion to put it in force. I have believed in my own mind, and known, that such has been the case, but I have never been able to prove it, and I have been always impressed with the idea that if you cannot prove a thing it is better not to meddle with it, because then you will not show your weakness.

1070. Sir *James Elphinstone.*] Would the deprivation of license in the case of beershops and public-houses tend to keep those people in order? —It is very likely the magistrates would not grant the license, but it is not within my province to do that.

1071. But would not the penal consequences of losing a license operate with those beershop and public-house keepers in making them give you assistance in carrying out the law?—I think it would; but perhaps they would take it more in this way; that I was trying to usurp authority over them, which I am always very careful for them not to think I am doing in an undue manner.

1072. But the deprivation of license is not one of the penal consequences of this Act, and I wish to know your opinion whether it would not be a beneficial thing to insert it in a new Act?—I think so.

1073. Mr. *Tipping.*] It is mainly beerhouse keepers, and not public-house keepers, who manage this trade?—The women frequent both classes of houses. I think that most of the women are fond of a drop of gin, or something in that way, and they cannot get it at the beerhouses.

1074. But are the persons who have those cottages of which you speak publicans or licensed victuallers?—They are both alike, I think.

1075. Sir *John Simeon.*] In the number you gave just now there was only one residing in a public-house, but there were a good many residing in beer-houses, were there not?—Yes.

1076. Were they actually resident in the houses?—Yes.

1077. Were they generally servants?—Not always servants, but they sometimes tell the local police that they are servants, and they try to make them believe it; when they make inquiries and tell them that they ought not to do so, they say "Well, I have so many servants," or something in that way; I do not know whether they convince them that such is the case, but sometimes they say that they are servants.

1078. Are they lodgers in the house?—The numbers that I have given lodge in the house.

1079. Do you suppose that they actually pay for their lodgings, or that they are kept as an attraction for the men?—In some places they are kept as an attraction, and at one time (I do not know of any case now) I knew a landlord who paid the lodgings of two or three girls at some distance from his house at a private place, and those girls had to frequent his house during a certain time, say from four or five o'clock in the afternoon, till gun fire at night. There are many such places now, but the girls pay rent for the rooms—from 3 *s.* 6 *d.* to 5 *s.* or 6 *s.* a week; and there are perhaps 20 or 30 such women who have to frequent this particular house at night. They are not allowed to go out of the house without leave until gun fire, and then they can go where they like.

1080. Does the lesser number who reside in public-houses in this way, as compared with the greater number who reside in beershops, imply any greater amount of morality on the part of the publicans than on the part of the beerhouse keepers?—I think not.

1081. How do you account for the discrepancy? —He may not have the accommodation, or he may have a family, and he does not like them to be about with his family, or there may be various reasons.

1082. Is it that the public-house is supposed to maintain a superior degree of respectability to the beershop, and that the publican would therefore not be so ready to allow these women to be perpetually on the premises?—That is one reason. I believe their consciences are very much alike; but I believe the reason why they do not lodge them in public-houses is, that they are afraid of the license. The beershop keeper does not stand in the same fear as the licensed victualler does.

1083. Mr. *Tipping.*] In the one case, the license is granted by the Excise, and in the other by the magistrate?—Yes.

1084. Marquis of *Hamilton.*] Have you any idea of the number of diseased pregnant women that came under your notice last year?—I could not give it correctly now, but I should think it might be 12, or from that to 15, very likely.

1085. How many of those were destitute, or were any destitute?—I should think seven or eight of them availed themselves of going to the workhouse.

1086. And over the others you have no control?—None whatever.

1087. Sir *John Simeon.*] With regard to the power under the existing law of dealing criminally with men who live by the prostitution of women, is there any such power? — There is no such power whatever, under this Act, and I do not know of any law except the common law of the country, which could deal with them in any way.

1088. Do you think that it would have a good effect with regard to the particular objects which we have under our consideration, if power were given to deal summarily with men, who, for instance, take gangs of women about with them for the purpose of prostitution, and live upon their wages?—I am positive that it would tend very materially to the benefit of the working of the Act.

1089. Have you been in a position to know anything with regard to the state of the health of the agricultural population in the neighbourhood of Aldershot? — Yes, I have made inquiries into that.

1090. Have you reason to believe, that it has been in a very considerable degree injured by the prostitution in the camp?—Not exactly in the camp; but in the neighbourhood of Aldershot, there are large hop-gardens, and things of that

hat sort, and when the time of the year comes, he tramps and all classes of people always come ound that neighbourhood for the purpose of op-picking, and then the men who are living in arm-service, and labourers, and people of that lass, are, of course, employed with them; and uring that season, I have been told that very nany of them have been diseased in consequence f these women coming from different parts of he country.

1091. Do you believe that the married women f the labouring class in the neighbourhood of Aldershot resort to the camp for the purpose of prostitution?—Of course a few of them do so, no doubt; but, as a general rule, I do not think that many of them do so.

1092. With regard to the examination of soldiers, I used to be under the impression that here was a regular inspection of soldiers for hese special disorders; but that is not the case, is it?—It is not; in some regiments I believe it s very different to what it is in others. I have he local police charge of the Windsor district, as well as of the Aldershot district; and among the Foot Guards, and the Guards stationed there, the medical officers have been very careful in examining the men (of the Foot Guards, on the 3rd September 1868, one battalion of 691 men, here were 45 of them in hospital suffering from venereal disease; and on 21st January 1869, the same battalion, of 639 men, there were only 7 men in hospital suffering from the same diseases), and the result is that there are very few men in hospital, and very few women. I think at the present time there are about four men in the two regiments of Guards at Windsor in hospital, and there are only five women.

1093. Do you not think that with a view to lessening the prevalence of contagious disease in he army, it would be highly expedient that there should be a universal rule as to the periodical examination of the men?—I do; but I do not think it would be of much avail without some person in authority in the regiment being made responsible that it should be done.

1094. With regard to clandestine prostitution, should you think it your duty if you saw a girl running into danger, before you believed that she was actually in a condition to be examined compulsorily, to give her a warning that if she went on in that sort of way she would bring herself under the operation of the Act?—Even before I saw that the woman had been in bad company (in a place like Aldershot I should know a stranger directly she came into the town), if I saw her about the streets or places, or thought she had no home, or that she was looking for lodgings, or if she entered a public-house, or anything of that sort, I should make it my business to speak to her, and to ask her who and what she was, and where she came from, and what her business was, and all that kind of thing. Of course, if she felt disposed to tell me, well and good; if not, I should let her go about her business. If she did tell me, I should tell her where to go, and what to do, and warn her not to act as a prostitute. But there is no means of sending those people away; I found four the other day, and through my interest with some ladies (Mrs. Daniels, of the Soldiers' Mission Hall), I got them sent away to homes, and their parents were very thankful for them to be taken such care of. These ladies advanced me the money, and I got them lodgings for the night.

When the soldiers march through a place, young girls of 15 and 16 have great notions of following them, and when troops march in, I generally make it a practice to be there, or to have some constable there to see who comes in with them, and I always instruct them if they find any women of that class, to advise them what to do and how to proceed.

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1095. Do you think that there is any difficulty, under the present Act, in women releasing themselves from the periodical examinations in the event of their wishing to reform or change their life, or to get married?—There is no difficulty, but it would be a tedious proceeding under the present Act, supposing that the thing was persisted in. If I know a woman to have been a prostitute, and to have been admitted to the hospital, and discharged from the hospital, if she conducts herself in a proper manner, or gets married, I never trouble myself about the woman any more; I always allow her to go and do the best she can. If she gets into service, or gets married, or conducts herself properly, I never trouble any more about her. I always keep an eye on the woman, to see how she was going on, but I never communicate with her employers, or anything of that sort.

1096. But you are rather assuming a responsibility, are you not, in not insisting upon the examination being continued?—I am, but I have never received any positive instructions about this. I am speaking now entirely upon my own responsibility. If a woman is discharged from the hospital, and her mother or some person takes her home, and that woman goes home and conducts herself properly, I never go to warn that woman to come for examination again, unless she again conducts herself as a prostitute. In the same way, when a woman gets married, perhaps to a soldier, and she goes into camp (I must say that they are not allowed to go into camp unless they are married with permission), they get lodgings; so long as the woman conducts herself properly I never run after her and bring her up for examination to expose her.

1097. Under the Act she can only be relieved from examination by the order of a magistrate, can she?—Supposing that an order was made by a magistrate, that would be so; but if the woman submitted under section 17, then of course after she had received the certificate of the visiting surgeon she would be relieved. The same thing would apply to an order given by a magistrate, supposing that the woman was admitted to the hospital. If the woman had not been admitted to the hospital, the periodical examination would remain in full force for the 12 months, if it was by a magistrate's order, but even in that instance, if a magistrate made an order and the woman in the meantime got married, or ceased prostitution, I should not warn her to come up, and I have not done so.

1098. *Chairman.*] Do you find that those women make an improper use of their certificates?—I believe in many instances that has been done; I believe that women have lent their certificates one to another after having been discharged from the hospital.

1099. Sir *John Pakington.*] As an inducement to men?—Yes.

1100. Sir *John Simeon.*] You do not think, then, that there is any necessity for improvement in the Act, in the shape of giving to the visiting surgeon the power of releasing the women from

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further inspection?—No, I do not think that there is any clause required; I do not think that it would be any person's wish to force that kind of women up and to make them prostitutes as it were, if they were not so. My object has always been to get as few as I possibly could.

1101. But do you think that, practically speaking, the Act of Parliament requires no alteration in the interest of women who desire to be reformed, and to leave a life of prostitution?—I think not; there is one thing, of course, which should be altered, though it is not interfering with my duty in any way, but still I see the necessity of it. Of the women who are admitted to the hospital, some are old prostitutes, and some are very young, and I think that it would be a great improvement if something could be done to prevent those who are hardened in sin from associating with the others, and to classify them in some way. I do not exactly know how, but I think that it would be a great benefit to the women themselves to class the inexperienced girls by themselves.

1102. *Chairman.*] Would you recommend Guildford being included in the Aldershot district?—It would be a great relief, there is no doubt, to Aldershot, for Guildford being so near there are many men who get passes to go to Guildford.

1103. What is the distance from Aldershot to Guildford?—I think it is about 9½ or 10 miles. Guildford is out of the military bounds, as it is termed, and if a man wishes to go to Guildford he has to apply for a pass to go there.

1104. And they do practically go there very frequently, do they not?—Yes, it depends upon a man's character, and so on. If he is deserving of a pass, I believe there is no restriction whatever on his going there.

1105. Mr. *Mitford.*] Do the same remarks apply to Godalming?—It is about the same distance; but I do not think that there is that attraction for men to go to Godalming which there is to go to Guildford.

1106. Captain *Grosvenor.*] Did I rightly understand you to say, of your own knowledge, that the two regiments of Guards stationed at Windsor are examined with a view to discover whether or not they are suffering from venereal disease?—Yes, the Foot Guards.

1107. Can you tell me how long that examination has been carried on?—I cannot say how long; but it has been ever since I have been going to and from there; that is 13 months. They are regularly examined.

1108. Mr. *James Lowther.*] With regard to the chemists; do those chemists prescribe for patients as well as make up drugs?—In some instances they do.

1109. They act as quacks, or doctors in a quack form?—Yes.

1110. Are there any advertising medical practitioners or quack doctors in the neighbourhood of Aldershot?—None.

1111. Previously to the passing of the Act, I suppose that the chemists must have done a considerable business in the way of medical advice?—Yes, they have told me that they have done a very considerable business.

1112. And the Act, I suppose, has diminished their profits?—It has had that effect.

1113. With regard to the transferring of certificates, I think that you said that the women every now and then handed their certificates to other women, and that they were used by other persons than those for whom they were written?—Yes.

1114. Is there any penalty attaching to the transferring of a certificate or using a false one?—I do not know of any; there is no provision in the Act for it.

1115. Would you recommend that some proviso should be introduced into the Act with regard to one woman making use of the certificate written for another?—I would not recommend that exactly. I presume, according to the Act, that the certificate is given to the woman for her protection, to prevent her being apprehended by the police, so as to show that the woman has been lately discharged from the hospital. What I would recommend is, that instead of the women being allowed to detain their discharge papers, they should be delivered to the police, and if a woman was about to leave the neighbourhood or the district, she could then apply to the police authorities, and get a discharge to take with her wherever she was going.

1116. You stated that you had no power to take any steps in regard to a pregnant woman; why is that?—You will find that the Act makes provision for the Inspector of Certified Hospitals to make regulations with the Secretary of State for War and the Lords Commissioners of the Admiralty for the proper conducting of lock hospitals, and so on; and one thing I believe laid down is, that pregnant women, or women infected with any other disease, are not to be detained in the hospital.

1117. It is under an order of the War Office and not under the Acts?—Yes; this regulation, made by the Inspector of Certified Hospitals, and by the War Office, or by the Admiralty, would be law according to this Act.

1118. Do you consider that order a mischievous one?—No, I think it is a very good one, because, although something might be done with those pregnant women, it would not do to have pregnant women and children in the wards with all the noisy women who would be there. If a place was set apart for them it would be a different thing.

1119. Then would you recommend that a distinct place should be set apart, and that arrangements should be made for the separate treatment of those cases of pregnant women?—I cannot say that I would exactly; it would be a very great expense for the hospital to keep them. For instance, women from different parts of the country might come there purposely to be confined. It would not be restricted exactly to the district, because this Act says "any person."

1120. Then what remedy would you suggest; because I think that you admitted that it was a great evil?—So it is; but I think that if they were controlled, if they could be taken to a workhouse, or taken somewhere (I cannot tell exactly where), it would be, as it were, depriving them of their liberty, even to take them there.

Mr. T. Graham Balfour, M.D., F.R.S., called in; and Examined.

Mr. *T. G. Balfour*, M.D., F.R.S.

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1121. *Chairman.*] You are Deputy Inspector of Military Hospitals, are you not?—Yes.

1122. In that capacity, have you had great opportunities of judging of the working of the Contagious Diseases Act of 1866?—Yes; particularly as head of the statistical branch of the Medical Board, I have had opportunities of seeing the returns made from different stations, and I have been called upon at different periods to prepare statements, showing what the operation of the Act has been.

1123. Can you give the Committee a return which will show the effect of the Act with regard to those diseases, in reducing or increasing them?—I have two returns here, which I prepared for the Secretary of State for War, which, with the permission of the Committee, I will put in, and I will read a few observations which I founded upon them, as to what the operation of the Act has been. "In endeavouring to form from the numerical returns a correct estimate of the influence of the Contagious Diseases Act, there are several points which require to be carefully examined, to prevent erroneous conclusions being drawn from the mere numbers. 1. There may have been a general reduction in the amount of these diseases throughout the country, or affecting at least a number of stations. 2. There may have been a steady reduction going on at a station to which the Act has been applied, previously to its coming into operation, and the continued progress of that reduction may have been due to causes pre-existent to the Act. 3. There may have been a general increase in the prevalence of these diseases, when the beneficial influence of the Act might be confined to their non-extension, instead of being shown in their decrease. With a view to obtain information on these points, Table I.—(*the same was delivered in*, vide *Appendix*)—has been prepared, showing the admissions into hospital for venereal diseases of all kinds, per 1,000 of mean strength, at at each of the principal stations occupied by troops in the United Kingdom during the nine years 1860-68. In the tables, the stations to which the Contagious Diseases Act has been applied are placed first; and those years are underlined in which the Act was in operation. 1. An examination of Table I. shows a lower proportion of admissions into hospital for venereal diseases in 1868 than in 1860, at all the stations except the Isle of Wight, Colchester, Canterbury, London, Manchester, and Preston. At the last four of these, the proportion of cases in 1860 was below the average, and the amount in 1868 was not materially in excess, and at some of them was less than in 1861-62-63. The Isle of Wight and Colchester, however, show a marked increase"

1124. Mr. *Lowther.*] Were they under the Act in 1868?—Colchester was not under the Act in 1868. "II. (*a*). At the stations to which the Act has been applied there was a progressive reduction in the amount of admissions from 1860 till 1863 at Shorncliffe, till 1864 at Devonport, till 1865 at Portsmouth and (with the exception of a slight increase in 1863) at Chatham, till 1866 (except in 1864) at Aldershot, and till 1866 at Woolwich. At Devonport an increase took place in 1865, followed by a progressive decrease; at Portsmouth the increase extended over 1866 and 1867; at Chatham the increase was confined to 1866; at Shorncliffe there was a slight excess in 1863 and 1864, followed by a decrease in the three following years; at Woolwich there was an increase in 1866 and 1867; and at Aldershot in 1867. It may be stated generally, that prior to the introduction of the Act there had been at all these stations a progressive decrease in the amount of this class of diseases. (*b.*) At the stations to which the Act has not been applied, with two or three exceptions, a similar progressive reduction has been going on, but with less regularity, a result perhaps of the smaller numbers under observation giving rise to greater fluctuations. The marked exceptions were Canterbury and Colchester, at which a great increase took place in 1866, 1867, and 1868, and the Isle of Wight and Dover in 1867 and 1868. The troops in London and Windsor and at Warley have not varied greatly if 1860 be omitted. A few of the stations show a marked increase or reduction for one year, returning in the next to nearly the previous amount; thus Warley in 1863, and Manchester in 1867, show a great increase, and Dover in 1865, and Pembroke Dock, Preston, and Limerick in 1866 a great decrease. III. On examining the results for 1867 and 1868, during which the Act was in operation at four of the stations for the whole period, and at two others for a portion of it, it appears that there was a progressive decrease in the admissions at Devonport and Chatham, an increase in 1867, with a decrease in 1868 at Portsmouth, Woolwich, and Aldershot, and a slight decrease in 1867, with a considerable increase in 1868 at Shorncliffe. At the other stations there was a decrease only in the Household Cavalry, and an increase in 1867, followed by a decrease in 1868 at Edinburgh and Manchester; there was scarcely any change at Warley and Dublin; there was no appreciable change in 1867, with an increase in 1868, at Winchester and Canterbury. There was an increase in 1867 followed by a decrease in 1868, but the ratio still remaining higher than in 1866 at Fermoy and the Curragh; and there was an increase in both years at the other nine stations included in the return. It would thus appear that there has been a marked comparative advantage enjoyed in 1867 and 1868 by the stations at which the Act was in force, except Shorncliffe.

"The preceding remarks apply only to venereal diseases generally, as shown in Table I. But, under the general term of venereal diseases, are included forms of disease which may have been contracted at various periods anterior to their coming under medical treatment, and the frequency of which is not likely to be directly influenced by the operation of the Act, such as secondary syphilis, many cases of bubo, &c. To get rid of this source of error, Table II.—(*the same was delivered in*, vide *Appendix*)—has been prepared, showing the ratio of admissions per 1,000 of mean strength from primary venereal sores and gonorrhœa, the two diseases most likely to be affected by the operation of the Act; they have been stated separately, as it is of great importance to ascertain whether any reduction effected in their prevalence extends alike to both, one of them being a disease liable to be followed by serious constitutional effects, while the other is usually only a matter of temporary inefficiency and inconvenience.

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"An examination of Table II., chiefly with reference to the last two years, the period during which the Act has been in operation, gives the following results:—1. As regards venereal sores:—At the stations to which the Act has been applied, there has been a decrease in the amount at all, except Shorncliffe, which shows an increase. At Portsmouth there was an increase in 1867, but followed by a decrease in 1868; and the ratio in the latter year was lower than in any of the four preceding years. At Shorncliffe the Act was in operation during half of the last year only, but the ratio of admissions was higher than in any of the three years immediately preceding. At the 18 stations included in the table to which the Act has not been applied, there was an increase in the last two years at the Isle of Wight, Winchester, Preston, and Dublin; and the ratio in 1868 was higher than in any of the preceding years, except 1864 at Winchester and Preston; and 1864 and 1865 at Dublin. There was an increase in 1867, followed by a decrease in 1868 at nine of these stations; but the decrease brought the ratio lower than in 1866, at only three of them, Canterbury, Edinburgh, and Belfast. There was a decrease in 1867, followed by an increase in 1868, at five stations; but at two of these the ratio in 1868 remained lower than in 1866.

"As regards gonorrhœa, at the stations at which the Act was in operation, there was an increase at three, Portsmouth, Shorncliffe, and Aldershot; an increase in 1867, with a decrease in 1868, at Devonport and Woolwich; and a decrease in 1867, with an increase in 1868, at Chatham. Comparing 1868 with 1866, there was an increase of gonorrhœa at four, and a decrease at two stations. At the stations at which the Act was not in operation, there was an increase in 1868, compared with 1866, at 13, a decrease at three; and at two the ratio was the same in both years. It appears, therefore, that there has been an increase at two-thirds of the stations in the first group, and at rather more than two-thirds in the second. But an examination of the table shows that the actual amount of increase has been much less at the first than at the second group of stations. In cases of gonorrhœa, therefore, the operation of the Act would seem to have been in counteracting an increase rather than in effecting a decrease of the disease."

1125. *Chairman.*] Can you account in any way for the increase of gonorrhœa?—I am quite unable to account for the increase of it.

1126. Your memorandum winds up by saying that the effect of the Act has been to increase gonorrhœa, does it not?—The effect of the Act has been to prevent an increase at the stations where it was in operation rather than to effect a decrease.

1127. Then, on the whole, do you think that marked advantage has been derived at the stations where the Act has been in operation?—I think that there has been a marked advantage, but I do not think that it has been so great as was anticipated.

1128. Do you think that it has not been so great, because the Act, for certain reasons, has not been so effective as it might have been?—No, I am unable to assign any reason for it; I think, perhaps, that the Act has not been sufficiently long in operation to be worked very effectively; and that a longer time would produce more marked benefit, from the Act being better known, and being better worked.

1129. Do you not think that if there was some alteration made whereby both sexes came under the control of the Act, and if there were examinations of males as well as of females, that would have the effect of stamping out the disease in those districts?—If you could extend it to the whole population, undoubtedly it might have that effect.

1130. But putting aside the civil population, and confining ourselves entirely to the military element, you have heard the last witness, Inspector Smith, say that he has reason to believe that there are a large number of diseased men at large in the camp at Aldershot; do you believe that to be the case?—I am disposed very strongly to doubt the statement, and the grounds upon which I doubt the statement are these: In a report which Dr. Barr made to the Secretary of State for War, that statement was put prominently forward; that report was sent to the Director General of the Army Medical Department, for his opinion upon it, and he sent instructions to Mr. Lawson, the Inspector General of Hospitals at Aldershot, to make particular inquiry upon that point; I have before me the reply which Mr. Lawson made to the Director General, and if the Committee will allow me, I will read it. "I have to acknowledge your letter of 26th ultimo, enclosing an extract from the report of Mr. Barr, medical officer in charge of the Lock Hospital here, with a request I would carefully investigate the circumstances therein set forth. These seem to arrange themselves under the following heads, viz.: 1. That the police believe thereare a number of diseased soldiers belonging to several regiments, always loose, through whom a continual supply of the disease is kept up. 2. That several women have been so frequently detained in hospital as to excite inquiry, when it appeared they had a fancy man in the person of one of the men alluded to, who is constantly diseased; some of these men are so well marked that it is alleged no prostitute will associate with them.

"In reply to your inquiries, I have to report that, toward the end of December last, having, in conversation with Mr. Barr, learned that the police were under the impression that many soldiers affected with venereal were active in propagating that disease, I urged him to get the inspector to communicate the names and regiments to me or the medical officers in charge of the corps, with the object of having them examined and properly dealt with. This request I subsequently made to the inspector of police himself. Up to the present, the inspector of police has reported to me or the medical officers of the different corps in camp the following only: 10th Hussars; four reported 8th and 9th January; three on examination found free from disease; one had three small superficial sores, Dr. Fraser says, evidently of recent origin, and according to the man's statement, of four days' standing only. Royal Horse Artillery; one man, named Manning, reported 7th January; no such person in corps, but another named Mangan presented himself about same date with a wart on genitals which could not communicate venereal. Royal Artillery; one man reported himself to the medical officer, and said he had discovered the disease four or five days previously. The inspector of police mentioned his case to me after his admission to hospital in connexion with the

e source from which he derived the disease, the fe of a sergeant of another corps, who on exa- nation was found affected. 2nd Battalion, Regiment; one man reported 23rd January, amined, and found free from disease. 1st Bat- ion, 20th Regiment; one man reported 23rd nuary, found labouring under primary sores, ich the man stated he had had for two days eviously, and Surgeon Arden was under the pression they were quite recent. 1st Battalion, th Regiment; one reported 23rd January, nd free from venereal, but labouring under h. 34th Regiment; one reported 8th Janu- y, found free from disease. 98th Regiment; e reported, 11th January, found free from sease. There were then 10 cases in all reported the police since the commencement of nuary to the 2nd of March, of which two ly were affected with venereal sores capable being communicated, and that only for a v days; and one (supposing Mangar, Royal rse Artillery, and Manning the same man) th a wart, which is incapable of propagating e disease. There is no ground for supposing at the man of the Royal Horse Artillery s diseased for a longer period than he men- ned, or that he was not infected by the person indicated. It thus appears that the impression the police as to the frequency of soldiers la- uring under primary syphilitic affections being large, and their being the active means of dis- minating that disease, must have been derived m very erroneous information. With a view, wever, to maintain as efficient a check on the obability of such an occurrence, medical officers ve been instructed to keep a close watch on the bject, and to have the regulations of the service th regard to it carried out strictly."

1131. But even by Dr. Lawson's report, it ems that two out of the ten who were reported the police were found to have disease which ey could communicate; and that is 20 per cent., it not?—In the first place, the police only men- ned 10 names in two months out of about 9,000 en; and in the next place the two cases which ere detected were so recent that the men could rcely have reported themselves sooner to come o hospital.

1132. Have you heard Inspector Smith's evi- nce, that in one of the four chemists' shops in ldershot there were 98 cases in one week treated r venereal disease by the chemist?—I can hardly mit that there were 98 cases. There were 98 escriptions made up; but knowing what I do of e amount of money at soldiers' disposal, I do t believe that any one of the men could have t medicine for more than one day on each occa- on, and I should be disposed to divide the 98 by e number of days over which the observation tended. I think that it is a matter for regret at the police did not report that circumstance to e authorities at Aldershot to have the matter vestigated, because so often when you come to quire into any case of that kind, you find over atements that I should like to have it authenti- ted before I attach much importance to it.

1133. There would be some difficulty in press- g this case further, because it is perfectly clear at the chemists would take alarm, and they uld find that you are going to stop a very large actice; and therefore, although Inspector Smith s ingeniously managed to get this evidence from is chemist, he himself rather doubts his being le to prosecute it much further. But this is a return which we can scarcely doubt. It is a chemist who, I suppose, bears a respectable character, and who gives absolute details that he made up 98 prescriptions during one week for soldiers suffering from venereal disease; do you not think that that is a very remarkable circum- stance?—I should very much like to have had the statement inquired into, however.

1134. Mr. Barr stated in his evidence, that it is the practice to examine a regiment when it comes into camp; is that so?—That is so; that regulation was made at the particular request of the police.

1135. He also stated, that on the occasion of a regiment lately coming into camp, there were in consequence of this examination, 60 men sent into hospital; are you aware that that was the fact?—I must confess myself very much surprised at the statement, because I do not think that 60 cases from one regiment could have been admitted into hospital in one week in Aldershot without my knowing it, as the returns for all the regi- ments pass through my hands every week, and I have no recollection of anything like that number ever coming into hospital in any one week from any one regiment.

1136. At Question 611 of Mr. Barr's evidence, this question was put: "When a new regiment comes into camp the men are examined, are they not?—They are, and the result is very speedily seen; out of one regiment which, I think, came up from Devonport (but I am not sure) two or three months ago, on examination they were forced to detain about 60 men directly in hospital; and in the course of the first month after their being there, there was a large number. To show the really good effect of the Act at Aldershot, the number is reduced now to about nine in the whole of that particular regiment;" what remark do you make upon that statement?—I should like to know the number of the regiment in question, because I should like to examine the returns. I have a strong impression upon my mind that there must be some error; I think it hardly pos- sible that such a thing could have occurred with- out attracting my notice, and I have no recol- lection whatever of anything like that number being furnished by any regiment in the service.

1137. It is now the practice to examine a regi- ment on its coming into camp; and it is also the practice to examine soldiers when they return from furlough, is it not?—Yes.

1138. But the old practice which used to pre- vail of periodical examinations among the men is given up, is it not?—Yes.

1139. Why was that given up?—It was given up on the recommendation of the Committee ap- pointed to inquire into the Sanitary Condition of the Army, presided over by the late Lord Herbert, because it was, I may say, the general opinion of the medical officers of the army, that it was ex- tremely inefficient in reducing the amount of venereal disease; it was unpopular with the men; and it was very much objected to by the medical officers. Upon those grounds, the Committee recommended that it should be discontinued, and it has been discontinued now for 10 years.

1140. Did not the Committee recommend the discontinuance of the examination, rather more on the ground that there was a strong opinion at the time that it was a sort of indecent proceeding, and that it was, as you say, unpopular with the men and the doctors, than because of its being useless?—I think that the opinion which was

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given to them of its inutility had strong weight with them.

1141. Do you coincide with the opinion as to its inutility?—Decidedly.

1142. If that is so, why do you examine a regiment now when it comes into the camp?—Simply because we were particularly requested by the police to do so, and we yielded the point at their request.

1143. Why do you examine men on their coming home from furlough?—Because when men go on furlough, we know they are in the first place open to great temptations, and we think it well to protect the garrison to which they belong from the introduction of venereal disease by them coming back from leave, where they have been without any hospital, and where they have most likely been "on the loose."

1144. Therefore, so far as the examination itself is concerned, there is no doubt, is there, that it very much facilitated the detection of disease amongst the soldiers?—So far as the examination of an individual, under those circumstances, is concerned, I admit it; but I do not think that the way in which it could be carried out in a regiment, would greatly facilitate its detection among a large number of men. It is a very different thing carefully to examine one or two men who come in from furlough, and to examine 800 men.

1145. But unless Mr. Barr's statement is positively contradicted, here is the fact, that 60 diseased men in one regiment are found out by one examination; can you contradict that statement?—I have not the means at present of contradicting the statement, but I may perhaps be allowed to doubt its accuracy without at all imputing to Mr. Barr the statement of anything wilfully incorrect. But I think there must be some error about it, and I should like to inquire into the case before I gave my opinion upon it.

1146. Could you take steps to inquire into those two statements which have now been made to the Committee, one to the effect that a whole regiment, on being examined, had at once to send 60 men into hospital, and the other to the effect that one out of four chemists at Aldershot, in one week in last June, treated 98 cases of venereal disease?—I could very easily inquire into the circumstances of the first case, particularly if Dr. Barr would oblige me with the number of the regiment, and I could have an inquiry made through the Inspector General at Aldershot as to the other; but with what prospect of success I am scarcely prepared to say. The question of the number of cases prescribed for by the chemists is rather new to me, and I think it is one very well deserving of inquiry. I shall bring the matter under the notice of the Director General, and I have no doubt that instructions will be given to Mr. Lawson to make what inquiries he can into the subject.

1147. Do you think that periodical examinations would be very unpopular among the men?—I think that they would be very unpopular; and I should myself be very sorry to see them again introduced, because I think that they would tend to destroy the men's self-respect. The object of all our recent legislation for the army has been to raise the *morale* of the soldier. We have been endeavouring to "level up" (to use a current phrase), and I think that the reintroduction of those inspections would have the effect of destroying his relf-respect, and in that way would be very injurious and directly antagonistic to the legislation which you have been carrying out of late years. There is, moreover, this objection to it, that the inspection would not apply merely to the loose characters of a regiment, but that it would apply to the well-behaved men as well as to the ill-behaved men, and, I think, that in that respect it would be very injurious.

1148. There might be a great amount of discretion used, which would of course depend upon the medical officer of the regiment; for example, he would not perhaps examine a soldier who was notoriously a married man and of very decent and respectable conduct, but if there was a soldier who was supposed to be rather wild and loose in his habits, might he not then order him to be examined?—It would be extremely difficult to draw a distinction of the kind; I think that a very much better course is to throw upon the soldier the responsibility of reporting himself the moment he becomes diseased, and punishing him for disobedience of orders if he neglects to do so; I think that instead of punishing the whole regiment, the well-conducted as well as the ill-conducted, for the fault of two or three men, it would be very much better to punish those men when they commit an offence.

1149. Would that be the means which you suggest for checking the concealment?—Yes.

1150. But, so far as you are able to form an opinion, you do not believe that this concealment is carried to the extent that is supposed?—I do not think it is carried to any great extent.

1151. It has been suggested by Mr. Barr that it would be a very good thing to adopt a system of night lavatories, do you concur in that opinion?—I think that they would be very useful if you could get the men to use them, but there would be great difficulty in doing it. I should be disposed to go considerably further than Mr. Barr in that direction; I should recommend the introduction of some clause into the Act by which all brothels, beershops, or public-houses, where the women congregate for the purpose of prostitution should be compelled to have a lavatory, so that the men might use it at the time; and I believe that the practical effect of ablution would be very much greater if performed immediately after the act, than if it were performed some hours afterwards; and I think it probable that the men would be more disposed to use it at the moment than they would on coming into barracks two or three hours afterwards, when they had perhaps taken more beer than they could well carry; and their great anxiety in that case is to pass the serjeant of the guard without being detected as being in liquor.

1152. With regard to the extension of the Act, can you suggest to the Committee to what extent you would recommend, for the purposes of military protection, that this Act should now be enlarged, both as regards the area and as regards the towns to which it is applied?—The question of area, I think, is a question which might be entirely settled by the police who have had the carrying out of the Act at the different stations at which it has been in force; but with regard to the towns to which it might with advantage be applied, I think that looking to their relative position with regard to those where the Act is now well in operation, you might, with great advantage, extend it to Newport, in the Isle of Wight, and to Winchester, in consequence of their connection with Portsmouth; to Dover and Canterbury, in consequenc

nsequence of their connection with Shorncliffe; Gravesend, as being merely a detachment m Chatham; and I think you might also ex- nd it to Warley, as there is a large number of n there, and there is a great amount of com- nication between Warley and Woolwich.

1153. It has been suggested that Southampton o should be added for the purposes of Ports- uth. What is your opinion as to that?—I do t think there is any great amount of communi- ion between Southampton and Portsmouth.

1154. It is more from a naval point of view, is not?—I am scarcely able to speak with regard the navy, but so far as the army is concerned, do not think that there is any occasion to ex- nd the Act to Southampton.

1155. With regard to Lock Hospital accom- odation for women in those places which you commend to be brought under the Act, can u give the Committee any information?—No; t I think that at Winchester, for instance, it uld be an easy way of extending it to put up t hospitals. There would be great difficulties, have no doubt, at Winchester, in getting a itable house to convert into a Lock Hospital; cause the population of Winchester has been creasing, and there has been a great deal of ilding going on of late years; but if a site of ound could be obtained easily in the neigh- urhood, I think that huts, similar to those at ldershot and other camps, would be the least pensive mode of carrying out the Act, instead going to great expense in putting up a brick d mortar building.

1156. There has been recently fresh accommo- tion built at Aldershot, has there not?—I do t know what recent additions have been made; hink they have converted an existing building o an hospital, and, probably, they have made ne addition to it.

1157. Do you know whether there would be fficient accommodation at Aldershot for the inchester cases?—I could not say whether re would or not.

1158. Lord *Charles Bruce.*] Have you any son for thinking that the soldiers, at the com- ncement of the disease, are disinclined to report emselves at the hospital?—No; I have no son to think so, speaking from my experience a regimental officer in the Guards. I was istant surgeon in the Guards for eight years, I very rarely had occasion to report the men concealing their disease.

1159. Do you not think that the fact of their ing put under stoppages to the amount of 10 *d.* day whilst they are in hospital, would make em rather disinclined to go into hospital?—think that would be quite counterbalanced the certainty of a severe punishment if they re reported concealing the disease. As the gulations at present stand, a soldier reported the medical officer of the regiment for conceal- disease is confined to barracks for a month, d loses his next furlough, and I think that a punishment which would deter them from ncealing it.

1160. Is not a system of periodical examination he men still continued in one of the battalions he Guards?—It is continued in one regiment the Guards.

161. Which regiment?—The Coldstreams.

162. *Chairman.*] Is it unpopular in that regi- nt?—I cannot speak from personal know- ge; but I am quite prepared to say that it is .87.

not successful in reducing the amount of secondary disease, which is the great thing that we have to endeavour to reduce. Taking the three years, 1865, 1866, and 1867, the proportion of admissions into hospital in the Grenadier Guards for venereal disease generally was 322 per 1,000; in the Coldstreams it was 312 per 1,000, and in the Scots Fusilier Guards it was 176 per 1,000; and the Scots Fusilier Guards have no inspection.

1163. In what quarters were they?—It extends over three years, so that they must have gone nearly the round of the quarters. The round of the quarters takes three and a-half years. But, testing the amount of success by the amount of secondary disease, I find that the amount of secondary disease in the Grenadier Guards was 19½ per 1,000; in the Coldstream Guards it was 33½ per 1,000; and in the Scots Fusilier Guards it was nearly 20½ per 1,000. Therefore, in the Coldstream Guards, in which the inspection has been carried on when it was given up in the other regiments of the Guards, they have had considerably more secondary disease than the other regiments.

1164. But might not that arise from the fact that a great many of those men in the other regiments being treated privately, and therefore that no knowledge had come to you of their being diseased?—But that would not affect the amount of secondary disease in the regiment.

1165. But you need not detect the secondary disease, need you?—I think you must.

1166. I will not venture to dispute that point with you. But of course every single case of the disease, where the examinations are periodical, comes under the eye of the medical officer, does it not?—Yes.

1167. But in the other regiments, where there is no periodical examination, is it not possible that a great many men may have been diseased, and may have recovered, without its ever having come to your knowledge?—They might have had primary disease; but I do not think it possible that they could have had secondary disease, because secondary disease shows itself in such forms as would be detected at the weekly ordinary health inspection.

1168. What is the weekly ordinary health inspection?—The men are inspected for such diseases as may be detected by a general inspection of them. They turn their shirt sleeves up, and their trowsers up to the knee, and they are inspected, and if they have any secondary eruption out upon them it would at once be detected.

1169. Does secondary eruption always show itself either upon the arms or legs?—Frequently; but it would be as likely to be detected at the health inspection of the regiments which have not venereal inspections, as it would be at the inspection of the Coldstream Guards which have; therefore I think that it is a fair test of what has been the amount of primary disease likely to produce secondary disease. I think that the amount of secondary disease which we find in each of those regiments may be taken as a fair test of what has been the amount of primary disease likely to be followed by constitutional symptoms. That is the only reason why I mention the amount of the secondary disease in each of those regiments.

1170. But does it follow that because a man has primary disease he should, as a matter of course, have secondary disease?—No, it does not necessarily

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necessarily follow; I believe that there are two distinct forms of sore: one which is almost invariably followed by secondary disease, and one which is very rarely followed by secondary disease.

1171. Therefore, whereas in the Coldstream Guards, where the periodical examinations go on, even those cases which would not necessarily result in secondary disease would be detected; in the other regiments only those cases would be detected which were so grave as to produce, as a matter of course, secondary disease; is not that so?—Yes, that is true to a certain extent; but under the existing regulations of punishing the men for concealment, I believe that you get the primary disease as completely under treatment in the regiments which do not inspect as in the regiment which does.

1172. But have you any reason to apprehend that the inspection is unpopular in the Coldstream Guards?—I have no evidence on the subject either on one side or the other.

1173. Who is the Surgeon Major of the Coldstreams?—Mr Wyatt.

1174. Mr. *Tipping.*] Have you found the frequent recurrence of venereal disease confined to a small minority in a regiment, or is it tolerably known, even as regards the majority?—There are a number of men who come perhaps twice or thrice a year into hospital, which would reduce the actual number of the men labouring under disease to a smaller number than is represented by the number of admissions into hospital. The number of admissions into hospital represent every case, but they do not represent the number of men who have been treated.

1175. Captain *Grosvenor.*] The last witness stated that the two regiments at Windsor are periodically examined; is that so, as far as you are aware?—I think that the last witness must have been misinformed, unless it were the Coldstream Guards; because I can speak most positively as to what was the case within a month, that neither the Grenadier Guards nor the Scots Fusilier Guards were inspected.

1176. The two regiments at Windsor, I think, are the Blues, and one battalion of Grenadier Guards?—I am very certain that the Household Cavalry are not inspected. They did not even inspect at the period when we inspected generally in the Foot Guards and in the Line.

1177. Commanding officers have no power to inspect, have they?—They do it upon their own responsibility.

1178. Sir *John Trelawny.*] Have you any experience with regard to the army in India?—I have not; I never served in India.

1179. Do you know anything of the regulations or provisions there with reference to the health of regiments in stations?—I think the regulations are the same as in this country with regard to inspection.

1180. You know of no such thing as arrangements on the part of commanding officers where regiments come into quarters in lieu of other regiments, by which arrangements there are particular persons who are responsible for the health of certain batches of women?—Yes; that is the case in India. There are certain women in the regimental bazaars at some stations, but I believe that is an arrangement which is carried out by regiments, and is a sort of authorised arrangement.

1181. Still it is the fact, is it not, that certificates are actually given to persons who have been in the habit of supplying clean women for the benefit of regiments?—I do not know that that is the exact form in which it is arranged. I think that the regiment pays a woman to look after the bazaar women, and to find out who are diseased, and to put them into a Lock Hospital: but I cannot speak from personal knowledge upon the subject.

1182. Marquis of *Hamilton.*] I think you stated that you were of opinion that huts would be sufficient hospital accommodation for the soldiers?—I think so.

1183. At Aldershot is there hut accommodation?—There was the greatest difficulty in getting a hut for the Lock Hospital there, but I do not know any reason why, if more accommodation were required, the present accommodation could not be extended, and an additional hut built; there may possibly be reasons, but I am not aware of any.

1184. The last witness stated that from the want of sufficient accommodation at Aldershot, patients have to go across a path or road for certain necessary duties of life; and that patients actually in hospital owing to this have given disease to the women living in the camp; are you aware that that is the case?—I heard that statement with very great surprise, because, as far as I know the regulations of regimental hospitals, patients cannot get outside at night as they seem to have done in this case; I think it is a case that ought to be inquired into; I could not have believed the possibility of its being so done if I had not heard it so stated.

1185. That was the evidence given by Inspector Smith, and the account given by the woman who was a servant in an officer's hut as to her having become diseased?—I cannot understand how it can have been done. There must have been great neglect in some quarter before such a thing could have happened.

1186. Sir *John Trelawny.*] I think you said that you were averse to general inspection?—I am.

1187. Do you not imagine that a number of men do not report themselves and remain in ineffective service during their condition of partial illness through not reporting themselves?—I think, that if the regulations are properly carried out with reference to the punishment of men who conceal this disease, the punishment is sufficient to induce them to report themselves the moment they detect the disease.

1188. But is not the disease so insidious that many men might easily say that they were not aware that they were so affected?—I should not take that as an excuse if I found it a primary sore in such a state that I should conceive it to have existed for upwards of three days, because I should think that it was the man's business to know it, and should report him and have him punished accordingly.

1189. You have probably heard the conjectures with regard to the state of persons who are under treatment; but those conjectures do not apply, do they, to the numbers of cases where persons continue doing their duty, but perform it inefficiently?—I can hardly admit that they perform it inefficiently, because, if so, they would be sent to hospital, or invalided from the service. A man must either be effective or non-effective. If he is unable to perform his duty, he his sent to hospital in order that the medical officer may ascertain

certain why he is inefficient, and if the cause inefficiency appears to be a permanent cause, is then brought forward, and discharged as an valid.

1190. How many years do you consider it kes to make a good soldier?—I think you can ake a good soldier in a year.

1191. Is it not of great importance that he ould continue in the army for a considerable mber of years in an effective condition?—at is a point which is very much debated at e present moment, whether or not it is an adntage to keep your men a great number years, but I think it is a point of great imrtance to have them always efficient.

1192. Would not their reporting themselves rly very much conduce to the length of time at they would be efficient in the service?—Very ich so. If they neglected to report themves until constitutional symptoms were fully veloped, they would be necessarily much more ely to become non-effective. There is no ubt that the early treatment of the dise is a matter of great importance, and it is matter which in regiments we have always deavoured to impress upon the men, and I ink with some success.

1193. Do you approve of the present limit th regard to the number of miles from the ntre?—That is a question on which, I think, I n hardly competent to give an opinion. It is a uestion which must really be decided by an amination of the men who have the carrying t of the Act upon the spot. It depends upon any circumstances, of which we can hardly be rare, such as the existence of some villages the immediate neighbourhood, for instance, and e facility of communication; and I would rather t give an opinion upon that point.

1194. Mr. *Mills.*] I suppose it is not very obable that the same man would go and have o prescriptions made up in the same day?—ot in the same day.

1195. Therefore, when we find that 23 men ent on one day, we cannot take an average of 98, vided by 6 or about 16, can we?—I admit that was to that extent wrong upon that point. I oke in general terms; I merely wished to guard u against believing the possibility of there being cases.

1196. Mr. *Mitford.*] You were a member of e committee, commonly called the Medical ommittee, appointed in 1864 to inquire into e Pathology and Treatment of Venereal Disses, were you not?—I was.

1197. And you differed from your colleagues that committee, I think, and issued a special port, dissentient from theirs, did you not?—I ssented on one part of the report, and I assigned y reasons for protesting against it.

1198. Do you adhere to those opinions in the ain, or have you seen reason to alter any of em?—I have seen no reason to alter my opinions the main, but I have altered my opinion in this spect: in the first place, I protested against e principle for which they contended; that inciple, however, is now made law, and now at it is law it is our business to carry it out as iciently as possible, and it having become law, o longer object to it, but I do object to the rt that has not become law.

1199. You say in your protest this: "I can-t concur in the recommendation to introduce a stem of weekly examination of all known pros-titutes"; is it with reference to that that you have seen reason to change your opinion?—That has now become law, and therefore I feel that I have no longer any right to object to it.

1200. But do you still adhere to the opinion that you then expressed with regard to the examination of soldiers?—Yes.

1201. The other members of the committee, I believe, were unanimous with regard to the inspection of soldiers and sailors?—Yes, but there was this important difference between the other members of the committee and myself, that I had eight years' practical experience of the working of it, and not one of them had had the experience of a single day.

1202. When Lord Herbert's Committee reported, I think in 1859, their opinion as regarded the inutility of the examination of soldiers by way of restraining the disease, the Contagious Diseases Act was not in operation, was it?—It was not.

1203. Their views might possibly have been different if that had been the case, might they not?—They might have been different, but I do not see any reason why they should have been different.

1204. It would have been comparatively useless to examine the men without examining the women, and in that way they might possibly have thought that the examination of the men alone was attended with no good results, might they not?—I do not think that was the exact point that they took up; I think that they were of opinion that the examination of the men was inefficient as carried out in the army, and that by proper means you could get the men to report themselves even better than you could detect them.

1205. How do you account for the reduction of the disease which you mentioned in the beginning of your evidence in certain places before the Act had been passed?—I am quite unable to account for it; but I felt it my duty, in inquiring for the information of the Secretary of State into the operation of the Act, to see whether such a thing did not exist. I was under the impression that it did, from the results which I obtained in my annual reports. I worked it out, and I had the tables before me before I wrote a single word of the observations.

1206. Again, you probably would not be able to account for the increase of the disease in certain places which you mentioned, such as Canterbury, Colchester, and the Isle of Wight?—No, I cannot account for it; there was an increase in 1867, which I think could be accounted for. I was called upon to make up some returns in the latter part of the year 1867 on the subject, and as the year was not completed I had to make them up from quarterly returns, and I found the striking fact that in a very large number of stations there was an important increase of venereal in the third quarter of the year, and on examination I think I traced it to the right cause; it was the operation of the Act to increase the pay of the soldier. If you remember, it was passed, I think, in June, but it was to date from the 1st of April; and on the 1st of July every soldier in the United Kingdom was entitled to a sum of 15 *s.* paid down, and there was an immediate increase of venereal disease.

1207. It had not been paid up when it first became due, but an accumulation of the money due to them was paid on a certain day which filled their pockets with money, was that so?—Yes, the Act received the Royal assent somewhere

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towards the end of June, and the increase was to date from the 1st of April; therefore, there was a quarter's arrears of 2 *d.* a-day, or 15 *s.* to each soldier.

1208. Thereupon the disease was found to increase, I believe, universally, was it not?—It was. It showed that the men did not make a very good use of the additional pay.

1209. You stated your opinion with regard to whether persons under the operation of the Act have derived advantage or otherwise, and you stated that there had been an important advantage gained with regard to syphilis; should you have any reason to think that the advantage would have been still more manifest, supposing that the area round those places mentioned in the schedule of the Act had been larger?—I have no information from which I could form an opinion.

1210. Would you not think that where women might come in from beyond five miles it was very likely to increase the tendency to disease?—Of course, there is a possibility of that happening; but I think we have no evidence upon which to found a decided opinion as to how far it has operated.

1211. It has been stated in evidence that Portsmouth has derived a good deal of disease from Winchester, on account of Winchester not being under the operation of the Act, and again from Chichester; is that so?—Yes; and that is one of the reasons why I mentioned Winchester as being a place to which, from its proximity to Portsmouth, and its facility of communication with Portsmouth, it would be advantageous to extend the Act; but that is scarcely extending the area of the Act as regards Portsmouth; that is rather including a town which, from its facility of communication with Portsmouth, may affect Portsmouth.

1212. Have you any reason to believe that Chichester is a great feeder of Portsmouth, as has been stated to us?—I have no information on the subject; we have had no troops lately at Chichester.

1213. Or Southampton?—I do not think Southampton is likely to be so.

1214. You propose in your report, that clause 18, in the Act of 1864 (which is equivalent to section 36 in the Act of 1866, if I make it out correctly), the clause with regard to harbouring should be amended, so as to make it an offence on the part of brothel-keepers, to harbour a diseased prostitute, without making it imperative to prove that they have done so knowingly; what was the ground of that proposal?—I understood that it would be almost impossible to get a conviction against any brothel-keeper if it were necessary to prove that they did it knowingly, because you cannot prove that a man knew a thing, unless you have evidence to show that he was told.

1215. You heard, I believe, what the last witness said upon the same point?—Yes.

1216. And so far you would agree with him, would you not?—Quite; I think that if you could find any means of coming down on brothel-keepers for harbouring diseased prostitutes, it would be a very great advantage.

1217. Sir *James Elphinstone.*] Mr. Barr was asked at Question 722: "You say that 60 soldiers were diseased out of a regiment; of how many did that regiment consist?—I cannot state the precise number; it was the 12th Regiment." With that information, can you ascertain what was the number of men sent into hospital at the time to which Mr. Barr referred?—I will ascertain exactly how many were admitted from that regiment on their arrival at Aldershot, and I will communicate it to the chairman.

1218. Dr. *Brewer.*] Was the Act introduced into the Isle of Wight in 1866?—No; it has not yet been introduced there. The Isle of Wight is not included in the Act.

1219. Nor Shorncliffe?—Yes; Shorncliffe is.

1220. Was it introduced in the Act of 1866?—It is in the Act of 1866.

1221. Shorncliffe has been under the operation of the Act for the last year or two, has it not?—For the last two years, I think; I think it came under the operation of the Act about November 1866.

1222. I find that in the year 1867, the amount of venereal sore was 42; but in 1868, it was 79 and in 1867, the amount of gonorrhœa was 125, and in 1868 it was somewhat less, 123; it follows does it not, that the operation of the Act in Shorncliffe has in nowise been beneficial, so far as we can ascertain by figures?—It certainly has not.

1223. This being so, upon what measure would you rely to arrest the progress of the disease?—That is a very difficult question to answer.

1224. It is the crucial question of the whole, is it not?—Yes; but here you have a station under the Act, where the disease has gone on increasing instead of diminishing: and I am unable to explain why. If I could explain why, I think I could find a remedy; but I am quite unable to say why the result has been different at Shorncliffe from what it has been at Aldershot and the other stations to which the Act has been applied.

1225. It appeared by the evidence of certain witnesses who have come before this Committee that clandestine prostitution, diseased pregnant women, tramps in the neighbourhood, the irregular examination of soldiers, and the laxity of rules with regard to those soldiers, are the unchecked sources of the disease; what do you say as to those points?—I think that those causes are, so far as I know, in equal operation in other stations to which the Act has been applied, as at Shorncliffe; and I am still unable to account for the increase at Shorncliffe, as compared with the other stations.

1226. But will you admit that those are really the sources of disease; and do you think that those are the great preventives of any practical medical improvement?—I am not prepared to admit one of the reasons which you state; and that is the non-inspection of soldiers; but the other causes which you have assigned, I think, may operate as very strong agencies to prevent the suppression of the disease.

1227. They are antagonistic to the successful operation of the Act, are they not?—Yes; I think so.

1228. With regard to secondary disease, can you give me any kind of average, as to the number of cases you suppose that secondary disease presents itself?—I could not do so without a careful examination of documents.

1229. Do you think that one in 10 would be the proportion?—That may be so, and probably it is so; but I would state it with great reservation.

1230. Then as primary diseases, taking them a-

s ragged loose sores, as well as true venereal isease, indifferently communicate disease to thers, how can you rely upon the secondary ymptoms or secondary disease being sufficient to etect that amount of disease which would tend check the propagation of it?—Because I think hat we are entitled to infer that the proportion f infecting sores and non-infecting sores, is kely to be the same among troops stationed in he same quarters.

1231. Supposing that you have of true venereal disease one case in 10, which is a very large verage, and only true venereal disease can be xpected to give the secondary disease, and yet hat the regular sore will produce disease in thers, would you check the disease, generally peaking, by simply being guided by secondary xhibition?—I do not think that checking the disase which does not produce constitutional symptoms is a point of very great importance. If it were merely a question of gonorrhœa, I would ecommend you at once to take no steps by legisation for its suppression.

1232. But gonorrhœa produces stricture and liseases of the bladder, does it not?—Very seldom. It would not be worth your while considering the question as regards gonorrhœa from its effects in producing stricture. It would not, as a mere financial question, be worth while dopting the Act to suppress gonorrhœa. I think hat the great point (and it is a point that ought o be borne in mind) is the importance of getting id of that form of disease which produces constitutional symptoms.

1233. Fresh arrivals of troops in any particular locality have been followed in every case, so ar as we can find out, by an increase of disease; does that accord with your experience?—I never new a movement of troops take place without an ncrease of admissions into hospital from venereal.

1234. But if we have no inspection whatever of the soldiers, how on earth can this Act operate n mitigating disease?—I do not quite appreciate he question.

1235. Is it not the case that, wherever troops are moved, disease is propagated?—Yes; but have you ever considered the question why it is so? Because I should like to explain my idea upon that point. I have stated that I have never yet known a movement of troops to take place without an ncrease of patients in the hospital following it; but I believe the reason is this: supposing that a battalion of Guards goes from London to Windsor, and that the men get among a set of women that they know nothing whatever about, and among those are a certain number of what we used to designate "fire-ships," the men, before they know what women are diseased, manage to contract disease, and come into hospital.

1236. But they communicate disease to the women, do they not?—That is a mere hypothesis. I believe that the admissions into hospital upon a movement of troops arise from exactly the opposite of that, and that the women communicate the disease to the men. The men come to a place where they do not know anything about the women; they form an unfortunate connection, and a lot of them become diseased, and come into hospital. The moment that it is found out, they spread among their comrades the report that such and such a woman is diseased, and the men, unless when they are so far gone in liquor as not to be able to know what they are about, avoid that woman.

1237. But inasmuch as you have stated that when men have the means there is a direct increase in venereal disease, the mere possession of the means is sufficient; do you not think it would be better that men should plead reasons for not being examined than that the whole of the troops should be left unexamined under those circumstances?—I think that a general examination of the men would have a strong tendency to destroy self-respect. I feel that very strongly, and therefore I think it would be quite antagonistic to everything that you have been doing in military legislation of late years.

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1238 But you have proved that when the soldiers had an increase of pay, there was a great increase of disease; does that self-respect of which you speak exist, except as regards having the means of indulgence?—I stated the increase of pay as one of the circumstances by which we could account for an increase under special circumstances.

1239. That being so, that militates, does it not, against your idea that the self-respect of the men would be injured by the examination?—No, because I think there are always a certain number of men in a regiment who have no self-respect.

1240. Then can you not have a pleading of reasons for not being examined?—What reasons would satisfy you?

1241. Might not marriage be pleaded in bar of the examination?—In the Guards that was always carried out; we never examined married men, but that is a very small proportion.

1242. Then might there not be character, which would be lost if a man were found diseased? —If that were carried out, the only rule that you could make would be that every man who was diseased should be subject to inspection for a given time afterwards.

1243. And might not men who pleaded exemption when they were known to be diseased continue to be examined and always be examined? —Then the honourable Member's view would be, I presume, to add on to the punishment of a man found concealing disease that he should be subjected to inspection for a certain time. That would to some extent obviate the objection, but there is another question, which, if you will permit me, I should like to ask. You have the Act in operation at Portsmouth, and you have it in operation at Woolwich. At those stations you have a large number of civilians, mechanics, artizans, and labourers employed under Government. Are you prepared to extend the inspection to the civilians? Because, if you apply the rule of inspection to the soldier, and do not apply it to the civilians at the same station, and under very different circumstances (and I think that many of the civilians of whom I speak are also quite as subject to the venereal disease as the soldier), you make an extremely invidious distinction; you stamp the soldier as a man of inferior caste. If you could extend it to the whole civil population, or even to all the civil employés under the Government, then you would get rid of one of my objections.

1244. With regard to lavatories in beer-shops and brothels, how could you insist upon their being provided?—You could only insist upon its being done by putting a clause in your Act of Parliament.

1245. Are you aware that it has been proved in evidence that it is not in the beer-shops and

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musical brothels that this kind of prostitution goes on, but in certain rooms and chambers somewhere contiguous, or in a convenient place?—I understood from Mr. Barr's Report, which I read, that those chambers were attached to beer-shops and brothels, and under that idea I suggested it; but I will only go so far in my suggestion as to say, that wherever there are rooms for the purposes of prostitution, you should insist upon having lavatories for the men.

1246. In some cases those are very poor houses, and one instance was given where the man and woman who kept the place were sick, and were of a very low rank and position in life, and where they kept a kind of bedroom for such purposes as that; how could you get lavatories attached to such houses?—The only thing you could do in a case of that kind, would be to put it in the power of the police to suppress such a house.

1247. With regard to putting lavatories in those places, would not that be legalising, or be supposed to be legalising, prostitution?—I am afraid that you have legalised it under the present Act.

1248. Mr. *Kinnaird.*] When, in answer to a question, you stated that, unless you extended the Act to the workmen in the civil employ of the Government, it could not be effective, I presume that you meant that to show the difficulty of the matter, and that you do not think that it is possible or feasible to extend the Act to every man, whether a mechanic, or otherwise?—I do not think that it would be possible.

1249. An honourable Member asked you as to your Report, and you stated that, with one exception, two years' experience has not tended very much to change the views which you then held, and that the result has not then been in those two years equal to what was anticipated by the framers of the Act; is that a correct representation of your opinion?—I think that the results have been favourable, but not by any means to the extent which was anticipated.

1250. Do you still in the main, adhere to the opinions which you then entertained?—I still adhere to the opinions which I then entertained, except as regards the legalising; because as Parliament has legalised, I can no longer offer any objection to it. I would carry out the Act to the very fullest extent, and give every facility which could be given to the provisions being carried out.

1251. Is it very certain that under this Act the disease would ever be stamped out?—I do not believe it is possible to stamp it out, though I believe it may be considerably reduced in amount.

1252. Sir *James Elphinstone.*] It may be mitigated in form, may it not?—I think it may be reduced in amount; and I think that anything which you do to reduce the amount would have a tendency also to bring the cases earlier under treatment, and would thereby mitigate the intensity of the disease.

1253. Sir *John Pakington.*] I think you have stated to the Committee that you are aware that the soldiers of the Coldstream Guards are still subject to periodical examination?—So I understand.

1254. Have you any reason to believe that the soldiers in the Coldstream Guards felt less self-respect than the soldiers in other regiments of that brigade?—I have been so little brought in contact of late years with the soldiers that I cannot give an opinion upon the subject; but I think it stands to reason that a general inspection of that kind once a week must have a tendency to destroy a man's self-respect. It implies two things; it implies first that you believe him to have been leading a loose and irregular life; and it implies secondly that you believe that he would wilfully disobey orders, and not report himself if he got diseased.

1255. That is a matter of theory and opinion; but the examination periodically of the Coldstream Guards is a matter of fact, is it not?—Yes.

1256. And I understand you to say that you have no reason to suppose that the soldiers of that regiment feel less self-respect than the soldiers of other regiments?—I have no information at all upon the subject.

1257. Do you not think that the fact of a soldier's being obliged to abstain from duty because he is suffering under syphilis or gonorrhœa has a tendency to diminish his self-respect?—Most decidedly, I think it has.

1258. Is not that rather an argument in favour of taking a course which might exempt him from suffering from those causes?—I am not prepared to admit the inspection would exempt him from so suffering. I believe, from the experience which I myself have had of it, and from the testimony of almost every medical officer with whom I have spoken on the subject, that those inspections were really extremely inefficient, and that they did not produce anything like the results which would justify their re-introduction.

1259. Of what inspections are you speaking?—The inspections for venereal disease.

1260. Are you speaking of inspections as they are now conducted, or of inspections as they were conducted previous to the recommendations of the Committee on the Sanitary Condition of the Army?—They have been discontinued altogether now; they were not abolished until 1859.

1261. But is your answer founded upon the inefficiency which was found to exist at that period, or upon the inefficiency which is discovered in the cases of examination at the present time?—Of course it is founded upon the examinations of the previous period, for that is the only point upon which I have any practical evidence whatever.

1262. Have you any reason to believe that the examinations of soldiers which now take place under certain circumstances (as you well know) are inefficient?—I have no evidence upon the subject; but I think that there is a very great difference between your getting a thing efficiently done, if you do it as an exceptional thing, and at rare intervals, and your introducing a thing of that kind, and expecting it to be done once a week.

1263. Then you have no reason to suppose that examinations as now conducted are inefficient?—I have no reason to suppose so.

1264. And you have no reason to suppose that the examination as now conducted in the Coldstream Guards is inefficient?—I have no evidence whatever about the examinations in the Coldstream Guards, beyond the fact of there being examinations.

1265. Are you aware of any reason why the examinations of soldiers properly conducted by duly qualified men should not be quite efficient?—There is one very great objection; to do the thing

hing efficiently would involve a very great mount of time, and I think that if you call pon medical officers to devote, say, two days week (because I do not think to do it thoroughly and efficiently, they could do it much nder that) to that inspection, you are making very great demand upon them for a result hich you really could obtain, I believe equally ell, by other measures.

1266. What other measure would you suggest s an efficient and complete substitute for examiation?—I would punish a man for disobedience f orders in concealing disease, and throw upon he soldier the responsibility of reporting himself hen he becomes diseased.

1267. So long as he does not report himself ou would not have the means of curing that man ould you?—But I believe that the result of it ould be, that he would avoid the punishment by eporting himself. I can speak myself, most posively, as to the result of former examinations, onducted as we conducted them, and I have no esitation in saying, that men often escaped deection if they were determined to conceal the isease.

1268. I think you stated just now, in answer a question from another honourable Member, hat you would approve of making the personal xamination a portion of the punishment for being iseased; did I rightly understand you?—I said think that would be the result of the course hich the honourable Member suggested, but I id not express any opinion as to whether it would e judicious to have it or not.

1269. Would you approve of making an exnination of this kind, for protective purposes, a ortion of the punishment?—I think that it is a atter requiring consideration.

1270. Do you not think that any such system ust have a very dangerous and prejudicial ffect, and tend rather to extend than to repress his frightful disease?—That is a point which I ave never had brought before me until this oment, and I am scarcely prepared to give an pinion upon it. I think that the plan which I ave suggested, of punishing the men for conalment, would be quite sufficient without adding at to the punishment.

1271. But I think that you stated to the Comittee that there was an examination of soldiers hen they returned from furlough?—Yes.

1272. And that you approve of the examinaon of a regiment when it is first brought into ew quarters?—I do not think I said that I approved of it; I said that it had been done at the rticular request of the police, but I did not ve any opinion upon it.

1273. Do you disapprove of the examination a regiment when it comes into new quarters?—I think while you have the Act under trial as is at present, you are bound to take every posble precaution to have it fairly worked; and as e police have stated that the disease is propaated in that manner, I think you are bound to ke that precaution in the sense of giving fair ay to the Act.

1274. Is not the examination of soldiers one ssible precaution?—Of course it is; but I ink that you may gain the same advantage by her means, and that you may prevent disease means that are very much less objectionable an a weekly inspection.

1275. The objection to which you referred in ne of your recent answers with regard to drawing an invidious distinction between civilians and soldiers, unless civilians were also examined, would apply to certain arsenals; but would it apply to all the stations of Her Majesty's troops?—No, it would merely apply to all stations where you have civil employés of the Government, either mechanics, artizans, or labourers; but you could scarcely introduce a measure of inspection at one set of military stations, and exempt the men from it at another.

1276. Do you adhere to the opinion which you have expressed of objecting to the examination of soldiers on the ground of the inutility of that examination?—I do very much.

1277. Do you admit the utility of examining men after furlough, and examining men on coming into barracks, but do you deny the utility of examining individual soldiers?—Pardon me; I did not admit the necessity when they come from one station to another. Men coming from furlough are under peculiar circumstances. They have been, for a certain time, removed from all military restraint, and have been among their friends, and very probably enjoying themselves, and we know pretty well what enjoyment means with them; and I think that in that case, as a measure of precaution, we are quite entitled to examine every man when he comes back, to see that he has not disease.

1278. I am afraid that I must repeat the question. The word you used was, "utility," and not "necessity," and, as I understand, you admit the utility of examining soldiers returning from furlough, but you deny the utility of examining them at other times?—I admit the utility of examining a soldier coming from furlough, because he has been for some time previous under what I may call peculiar circumstances, and I would examine here, with a view to protect the regiment when he comes back, in case of his having contracted disease while away from it; but I think that is a very different thing from the examination of a whole regiment weekly, and subjecting every man to a weekly inspection, which, except under very special circumstances, must be an inefficient one.

1279. Am I to understand from your answer that you think a man is in danger of contracting disease when he is on furlough, but that he is not in danger of contracting disease while he is in quarters?—I think while he is in quarters he is in such a position that he would at once report himself.

1280. Mr. *Mitford.*] You do not like the periodical examination because it would lessen the self-respect of the soldier, but would not the examination on returning from furlough have that effect?—I do not think it would to such an extent; I have stated in the proceedings of the Committee which has been referred to, that I think that an exceptional examination under special circumstances would by no means have the same tendency to diminish the self-respect of the men which an habitual weekly inspection of the men would have, but of course it is entirely a matter of opinion.

1281. Lord *Charles Bruce.*] Do you not think that it very often happens that a young soldier, on finding himself for the first time infected with the disease, from a feeling of shame, sooner than report himself to the hospital, would go and get treated by some quack?—I think that there is a very great feeling in a regiment of the older soldiers keeping the young ones right, in that respect.

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1282. But when any young soldier for the first time in his life finds himself infected does not that feeling operate?—He generally tells one of his comrades, and he advises him to go to the hospital at once; I think that there is a great feeling of that kind in a good regiment.

1283. Are you speaking from experience of your own regiment?—Yes.

1284. Captain *Grosvenor.*] Is it your opinion that periodical and promiscuous examinations would be fatal to the object of inducing a better class of men to enter into the ranks?—I think that it would act most injuriously upon the recruiting of the army. When we are endeavouring to get a better class of men to enlist, I think we ought not to insist upon such a thing as a general examination of that kind. I have very little doubt that it would act injuriously in that respect.

1285. Mr. *Mitford.*] When the practice was left off, owing to the report of Lord Herbert's committee, do you know if there was any greater facility in recruiting than there was previously?—I do not know that there was any; I do not think that it would have had much effect at that time; I think that the introduction of such a thing into the army would tend to interfere with recruiting.

1286. *Chairman.*] Do you mean to say that you think that it would prevent the more respectable class from entering the army?—I think that it would prevent the more respectable class from entering the army.

1287. Mr. *Mitford.*] But still you have no reason to suppose that they came in at the time that the practice was discontinued?—But I think that since that time you have offered further inducement to a more respectable class to come in. The tendency of legislation has been to raise the status of the soldier, and I think that it would be a great pity to introduce a measure which would have an opposite tendency.

1288. *Chairman.*] Putting aside the question whether this measure would have that effect or not, is it not undoubtedly the fact that there is a better class of men going into the army?—I am not prepared to say that it is, because I have no evidence on the subject, but I think that what Parliament has been by its legislation endeavouring to do is to induce a better class to come in.

1289. Dr. *Brewer.*] Are recruits admitted without examination?—When a recruit is enlisted he is stripped and examined from head to foot; that is done perhaps twice in a man's career, when he enlists and when he re-engages.

1290. Does the knowledge that a man will be examined prevent men from enlisting?—I have no positive knowledge upon the subject, but I have been told that it did.

JOHN SIMON, Esq., F.R.S., called in; and Examined.

J. Simon, Esq., F.R.S. —

1291. *Chairman.*] ARE you Medical Officer of Health to the Privy Council?—I am Medical Officer to the Privy Council.

1292. And in that capacity you have turned your attention to the working of the Contagious Diseases Act of 1866, have you not?—I have to some extent turned my attention to it; but looking upon the Act as specially concerning two departments other than my own, I cannot profess to be critically informed of its working. I have had to consider the question of the preventability of venereal diseases in its relations to the civil population, and in that aspect I have written of the question in my annual report for this year. That report will be very shortly distributed to Parliament, and is now in process of printing. I have in my hand a proof of the section to which I refer, subject of course to verbal corrections, but otherwise complete, and that section, if the Committee will permit me, I will put in, as representing my views of the subject in relation to the civil population.

1293. In this report do you refer at all to the operation of the Act with regard to the military population?—Only incidentally.

1294. Then this report only contains your views with reference to what should or should not be done with regard to the civil population?—That is so.

1295. It does not at all affect the question of whether the Act should be further extended in a military point of view?—It does not. I may observe that the first sentences of it point out what is special in the military and naval cases, but simply to clear my ground for the discussion of the civil question. Otherwise I believe that there is no single sentence in it which refers to the military and naval experience.

1296. Do you wish or do you feel yourself in a position to express generally your views as to the result of this Act in regard to its military operation?—I have already expressed hesitation in speaking at all upon the military and naval question; but so far as I have an opinion, it is that the time is not come for judgment as to the amount of good which can be done by the Contagious Diseases Act in relation to the Army and Navy.

1297. Do you think that the Act has not been sufficiently long in operation to enable any one to form an opinion whether it has been a good or a bad Act?—I think not fully. Particular military and naval officers can no doubt speak with some positiveness as to the effects which they have observed in particular stations; but taking the mass of observation, I have the impression that the time is not come for speaking positively upon the subject.

1298. With those views, then, would your recommendation rather tend to there being a further trial of the Act upon its present basis before even there should be an extension of the Act?—No; I will hardly say that, because those who are working the Act allege that they are very much hampered by the smallness of their areas, and I am not at all prepared to say that I think it should not be extended in its present kind of operation; on the contrary, I think that a fair case seems to be shown for extending the operation of the Act in its present sphere.

1299. There is one point upon which I should like to obtain an opinion from you, and that is with regard to the means of bringing under the operation of any Act clandestine prostitution; can you suggest in any way any manner of getting at that large class of clandestine prostitution which prevails even in our military areas?—I should conceive it to be quite impossible; in the first place, think of the immense range of cases, where no one can draw the line, between mer-

mere sexual looseness and so-called "clandestine prostitution." The latter, from the nature of the case, I think, must elude anything like definite regulations.

1300. Dr. *Brewer.*] We mean in relation to disease?—But a woman may get disease the first time she indulges; there would be, I think, no possibility of dealing with clandestine prostitution. I believe, so far as I can judge from the Paris information on this subject, that what they call clandestine prostitution breaks down their system. They catch a number of specially flagrant unregistered prostitutes and bring them before the police, but the quantity which evades is enough to defeat them.

1301. Therefore you think that to attempt to put an end to clandestine prostitution by legislation is simply impossible?—I suppose so; I look at it in this point of view; how are you to prove clandestine prostitution? would those who propose such things take a woman on the mere ground of her having had sexual relations with more than one man, and put two and two together, and produce their evidence in a police court? It seems to me to be a thing which could not be done; the only kind of prostitution which can be dealt with, I suppose, is prostitution carried on by women who make it their calling, and live in gangs in brothels, or who publicly solicit men. I do not see any practical definition of prostitution which could include women wishing to practise clandestinely.

1302. If clandestine cases are known or reputed or reported to produce disease, can you do nothing?—It is very unlikely, I suppose, that a woman will be in relations of that sort spreading disease and yet be in any reasonable sense of the word a clandestine prostitute; I suppose that such a woman would be a fairly overt professional.

1303. Are you aware that labourers' daughters and servants are reported to us as being in that condition?—The police would of course know a great deal more of those matters than I do; but very strong stories are told about servant girls, as regards the proportion of them who spend their spare time in this line of industry.

1304. *Chairman.*] To sum up so far as our investigations at the present moment are concerned, you would not be prepared to give any more definite opinion than this, that you do not think that the Act has been sufficiently long in operation to enable you to form any but a very general opinion about whether it will be eventually a beneficial measure or the reverse, and secondly, that you see no reason why the area in those towns where it is now in operation should not be extended; but beyond that you do not speak?—I see no reason why it should not be extended; as regards its operation, I think it highly probable that its results are good, but in speaking of the goodness of its results, I think that a very important distinction is to be drawn. It has done good, probably, in relation to the army and navy, which would not deserve to be considered in the same degree a good if it were gained for the civil population. As regards the army and navy, any prevention of venereal disease must be regarded as important, independently of very great distinctions in degrees of importance; but for the civil population this would certainly not be so much the case. The prevention of gonorrhœa and the prevention of many other venereal affections may be of great importance in the army and navy, because those affections interfere so much with the efficiency of the men at the moment, although generally of no permanent consequence. If I wanted to judge what would be the value to the community of extending to the general population such legislation as that of the Contagious Diseases Act, I should fix my attention on how far the Act had prevented true syphilis, the syphilis which produces secondary symptoms; and we certainly are not in a position at present to answer that question; I vainly have looked for evidence upon the subject.

1305. Mr. *Donald Dalrymple.*] Do you think that because you cannot easily reach clandestine prostitution, and the higher class of prostitutes, you are not to deal with the lower grades?—Certainly not; as I said, clandestine prostitutes may be of all grades. There is an immense range, and when you get towards the limit of avowed public prostitution, no doubt there are plenty of cases which an active police could get hold of, without making great blunders.

1306. Sir *John Trelawny.*] Is it your opinion that the restrictions upon marriage, in the case of soldiers, have any tendency to create a class such as those who practise clandestine prostitution?—Undoubtedly.

1307. Then the State is responsible in some degree for that condition of things; would it not therefore follow that it is peculiarly the duty of the State to protect the population from that disastrous state of things?—The sense in which I understand the Contagious Diseases Act is, that the State acknowledges that obligation; that is my interpretation of the Act.

1308. Should you not consider that an answer to the remark, that we are as much bound to examine civilians as soldiers, supposing that we are entitled to examine soldiers?—I should think that that is quite an answer. The case of civilians is quite different, the State having a responsibility for the one and not for the other.

Monday, 5th July 1869.

MEMBERS PRESENT:

Dr. Brewer.
Lord Charles Bruce.
Lord Eustace Cecil.
Mr. Donald Dalrymple.
Sir James Elphinstone.
Captain Grosvenor.
Marquis of Hamilton.
Mr. Kinnaird.
Mr. James Lowther.
Mr. Mills.
Mr. Mitford.
Sir John Pakington.
Mr. Rathbone.
Sir John Simeon.
Mr. Tipping.
Sir John Trelawny.
Captain Vivian.

CAPTAIN THE HON. J. C. W. VIVIAN, IN THE CHAIR.

Surgeon Major JOHN WYATT, F.R.C.S., called in; and Examined.

Surgeon Major *J. Wyatt*, F.R.C.S.

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1309. *Chairman.*] YOU are Surgeon Major of the Coldstream Guards, I believe?—Yes.

1310. Is it the practice in the Coldstream Guards to make periodical examination of the soldiers for the purpose of discovering contagious disease?—Invariably.

1311. Do you examine all the soldiers in the regiment, or only certain men?—All except the serjeants and the married men.

1312. You examine all the other men, whether old soldiers or not?—Yes, I have always made a great point of recommending that to successive commanding officers, and they have always adopted it.

1313. Do you make any exception with regard to men who have good-conduct stripes, or men of notoriously good and quiet habits?—No exception has been made. I have seen sometimes reason to doubt the advisability of that plan. We inspect all the men in the ranks, except the non-commissioned officers and those who are married. The married men appear just to show themselves only, and that we may see there is no appearance of ordinary ill-health.

1314. How is this examination conducted?—The battalions are paraded in a large room of the barracks; a screen is put at one end of the room for the sake of decency, behind which one of the assistant-surgeons seats himself. The sergeant of each company stands upon a stool behind the screen and takes the name of any man whom the assistant-surgeon desires should be sent to hospital, either for further inspection, if he has any doubt about the necessity of his going to hospital, or for treatment if he sees that it is necessary that he should come for that purpose at once. The non-commissioned officer puts down his name in a book, and that afternoon (the inspection generally takes place before dinner) the man is admitted into hospital, or the following morning if the object is merely to see him a second time.

1315. Then each man is examined separately?—Certainly.

1316. And by himself?—And by himself, certainly.

1317. In short, the examination is conducted with every regard to decency?—Certainly, perfectly.

1318. Do you attach great importance to this examination?—I think it is of the utmost importance. I have always considered it to be so.

1319. We had evidence the other day from Dr. Balfour, that the amount of disease in the Coldstream Guards was greater than in the other regiments, the Fusiliers and the Grenadiers; how can you account for that?—I cannot account for it. I only know that on one occasion in one battalion, after an inspection had not taken place for some time, for some reason best known to the medical officer, an inspection was ordered, and either 25 or 30 men, I think, were found to be diseased. That appears to me to be a good proof of the necessity for these weekly inspections, at which we generally find three or four cases. For instance, as one of my battalions is going to Aldershot to-morrow, I considered it advisable that an examination should take place before they went, in order that the men might arrive in camp in a healthy state; and one accordingly took place this morning, at which three or four men (I think four) were found to be slightly diseased.

1320. Sir *John Pakington.*] In the whole battalion?—In the whole battalion.

1321. *Chairman.*] This examination facilitates your discovery of disease in its infancy?—Yes, it facilitates the discovery of the primary disease, thus preventing the more serious consequences of secondary complication.

1322. The evidence we had from Dr. Balfour was, that the number of cases of secondary disease in the Coldstream Guards is greater than either in the Fusiliers or the Grenadiers; is that a fair way of testing the amount of disease in a regiment?—No, I should conceive not; I should think it would be fairer to eliminate from the mass of people who have disease, those who have the primary form of the disease, because secondary diseases display themselves in a great variety of ways. I have known people suffering from what is called rheumatic pains, which was nothing more than syphilitic disease; perhaps I may be allowed to observe, that I understand by secondary disease, that form of the disease which has become part and parcel of the constitution of the individual, or one of the remote consequences of the poison.

1323. This

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1323. This question was asked of Dr. Balfour, Is not a system of periodical examination of the en still continued in one of the battalions of the uards?" his answer was, "It is continued in ie regiment of the Guards. Which regiment? he Coldstreams. *Chairman.* Is it unpopular in at regiment?—I could not speak from personal nowledge, but I am quite prepared to say, that is not successful in reducing the amount of condary disease, which is the great thing that e have to endeavour to reduce. Taking the ree years 1865, 1866, and 1867, the proportion admissions into hospital in the Grenadier uards for venereal disease generally, was 322 r thousand; in the Coldstreams it was 312 r 1,000, and in the Scots Fusilier Guards it as 176 per 1,000; and the Scots Fusilier uards have no inspection;"—what I wanted to k you was this, Does not this periodical examina- n facilitate your detecting disease which would t necessarily come to secondary disease at all? Certainly; Dr. Balfour is quite in error too saying that my regiment is the only one which inspected; the Grenadier Guards have an spection also as well as the Coldstream Guards.

1324. Do you find it unpopular with the men? I have never had the slightest complaint.

1325. Do you find, in any way, that it tends to minish their self-respect?—No; I have seen no ason, nor have I heard any remark, inducing to come to that conclusion at all.

1326. You recruit, I think, in the battalions of e Guards, for yourselves?—Yes.

1327. Have you ever heard any remark that en come less to the Coldstream Guards, or to e Grenadier Guards, because of these inspec- ns, than they do to the Scots Fusiliers?—No, no means.

1328. And you think that, in general with the blic, those regiments are as popular as the ots Fusiliers?—I think so; I have heard no ason to make me think the contrary.

1329. Would your experience justify your say- that, to return to the system which prevailed old in the army, would not be generally un- ular among the men?—Certainly it would be unpopular, as far as my experience in the ldstream Guards is concerned.

1330. Have you watched the operation of the ntagious Diseases Act?—Yes; I have been ociated with it myself. I am one of the Vice- esidents of the Association.

1331. Do you believe that the evidence we ve had before us, to the effect that a large mber of soldiers escape the hospital, and go ut in a diseased condition, is true; that is to , they do not give themselves up, and are er privately treated, or go about concealing ir disease?—I should think it quite possible, here were no inspections, because it is a com- n thing for men to try to conceal their disease. nd that the men report themselves only on the rning of the inspection, and they do so then ause if detected with disease at the inspection y are punished; but they think if they report mselves on the morning of the inspection they uld escape punishment. The man has evaded orting himself to the last possible moment, ough he may have had the disease from the inspection.

1332. I think you say these examinations are nducted once a week?—About once in 10 days, a fortnight now. They used to take place e a week; but, in consequence of the disease having so much diminished in intensity, I recommended that the examination should be twice a month on trial, unless there were special circumstances, such as the occasion of a battalion going to a camp, and their being at Aldershot, where they would be necessarily inspected, owing to the application of the Act to Aldershot.

1333. How long ago was that alteration in the time made?—About two years ago, I think it was, since the application of the Act to Windsor, where we have occasionally had a battalion.

1334. Therefore you attribute it entirely to the benefits derived from the Act that you were able to make the examinations less frequent?—I saw that the cases treated at Windsor, and which came to London, were much milder in character and much fewer in number than formerly, and, moreover, in London generally, throughout the civil hospitals, it is commonly recognised that the disease is less intense; one does not now see the severe forms of destructive disease as formerly; and, moreover, the numbers admitted into hospital became much fewer. Taking these circumstances into consideration, I thought myself justified in recommending it, partly because I had heard it stated in evidence, that the examination was a disagreeable thing to the feelings of the men; and I thought, if such a feeling did exist, it was better not to do anything to offend it needlessly, though I certainly never saw or heard anything of it myself.

1335. Do you believe that it would be disagreeable to the military medical profession to conduct these examinations?—I look upon it as a most important duty of a medical officer. I do not recognise the idea of the thing being disagreeable as an objection. I think if a medical man comes into the army, and it is necessary for the well-being of the soldier that these examinations should take place, like many other things, for instance, like attending the corporal punishment of soldiers when it existed, it would form a necessary part of his duty. I have never recognised any feeling of that kind.

1336. It has been suggested to us by Dr. Balfour, that it would be extremely unpopular?—Throughout my regiment I never heard any officer express dissent or dislike to it.

1337. Lord *Eustace Cecil.*] I understand the number of cases received into hospital to be greater in the Grenadiers and the Coldstream Guards than in the Fusiliers; would you not say that that was owing to a stricter examination in the Grenadiers and the Coldstreams than in the Fusiliers?—I was not aware, until a short time ago, that the numbers were greater; but I cannot conceive it possible that it can be otherwise than as you put it. It must be so, if one regiment has no inspection at all.

1338. There is a difference of something like 136 and 146 per thousand between the Fusiliers and the Coldstreams and Grenadiers respectively?—That is in what are called secondary diseases. I think we ought to understand each other as regards terms. One would like to know what the nature of the secondary disease was, because I perfectly join issue with these statistics, unless that is stated. I know, from experience, that very many cases which are called chronic rheumatism, when treated as secondary syphilis, get well, and the same is the case with affections of the eyes; therefore it is quite possible that

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they may be eliminated from secondary diseases altogether, and put under another category.

1339. There appears to have been an enormous preponderance of secondary disease in the Grenadiers as compared with the Coldstreams; it was 90½ per 1,000 in the Grenadiers; 33⅓ per 1,000 in the Coldstreams, and only 20⅔ per 1,000 in the Fusiliers; I suppose you cannot throw any light upon that difference in the numbers?—It would be quite impossible to do so unless one knew the precise character of this disease which is called secondary; I rather object to the term.

1340. Mr. *Lowther.*] Have you any idea whether the medical officers in the different regiments of Guards place a different construction upon the term "secondary disease;" do you suppose, for instance, that in the statistics of the Grenadier Guards the words "secondary disease" are used as applying to different classes of cases from those which are included in the statistics of the other regiments under that name, and, if so, would account for the discrepancy?—It might; I think if the whole class of secondary diseases were bracketed together and then eliminated as to the different symptoms they display, one would be better able to form a judgment upon it. I was not aware until last Saturday that there was this great difference between the regiments.

1341. Then, in fact, you consider these statistics to be hardly reliable?—I should not like to go so far as that; I should like to inform myself more accurately in detail upon that subject.

1342. If any class of men was exempted from examination, such as those who have good conduct stripes, or unmarried men of acknowledged good character, do you think that it would have a tendency to make the examination of the rest invidious, and therefore to promote its unpopularity from the fact that being examined would be considered to imply a taint of suspicion of immoral conduct; would it rather tend to make the examination unpopular?—I hear nothing of the unpopularity of the examination so far as I am individually concerned; that is to say, I do not hear of it officially; I hear it talked of occasionally out of doors, but I think there may be other explanations of that.

1343. You find that the men all cheerfully submit to it?—Yes; they dislike reporting themselves sick of this disease, because, of course, they pay their 10*d.* a day while they are in hospital.

1344. What are the penalties attaching to its being discovered?—The penalty formerly was that a man was obliged to pay up his duty; that is to say, if he had been five or six months in the hospital, although he would not pay up for the whole of that time, by the indulgence of the commanding officer he would pay up only two or three months of it; yet that came very hardly upon a man who had constitutional syphilis, which I consider a better term to use than secondary disease. Now, a man who does not report himself sick, but conceals his disease, is confined for 28 days in the barracks, and forfeits his furlough for that year.

1345. Is that the case when the examination is not compulsory, or does it apply only to the Coldstream Guards?—That is an order that applies to the whole army, I believe. If a man is found to conceal his disease, and is admitted into hospital with disease which has been on him for a considerable time, he is reported for that on being dismissed, and is confined to barracks for a month, or rather 28 days.

1346. Supposing a man reports himself duly when he comes out of the hospital, does he have to make up his duty?—No, that is done away with entirely.

1347. He merely loses pay?—He merely pays the ordinary hospital stoppage of 10*d.* a day.

1348. Is his pay stopped if he is confined in the hospital for any other complaint?—It is stopped just the same.

1349. There is no distinction in that respect?—No, there is one uniform stoppage.

1350. Mr. *Tipping.*] Taking a term of 12 months, what per-centage of the men under your care would have the disease in that time?—I have prepared a Return to hand in upon that subject (*producing a Paper*).

1351. I want to know what per-centage of the men under you escape the disease altogether in the 12 months?—We have now in one battalion from Chelsea 24 men with venereal disease of various kinds; in another there is only 14; but of course the number fluctuates continually. At Windsor, where the men occasionally go, the proportion is very much smaller.

1352. What I want to arrive at is, what number of men do not have the disease at all in the regiment during a period of 12 months; can you tell me what per-centage, more or less, pass through the hospital in the 12 months?—I can tell you precisely what during the last five years has been the number of admissions for venereal disease.

1353. But the same men may have been admitted over and over again, of course?—Certainly. For primary disease the average seems to have been about 150 in one battalion, and 14 in the other.

1354. Marquis of *Hamilton.*] How long has this inspection existed in your regiment?—For a great many years.

1355. Dr. Balfour seems to think that the weekly ordinary health inspections would be sufficient to detect secondary symptoms; are you of that opinion?—I think the carrying out of periodical weekly health inspections would prevent the possibility of secondary symptoms being displayed on those occasions.

1356. Are they carried out equally in all regiments, or are they sometimes rather liable to be slurred over?—I cannot say. I can only speak of the way they are carried out in my regiment. In many regiments of the line, I believe they are not carried out at all now.

1357. Sir *John Simeon.*] Am I wrong in believing that periodical examinations were formerly universal in the army?—They were.

1358. Can you tell me why they were discontinued in so many regiments?—I believe it was upon the recommendation of Lord Herbert's Committee. Some evidence was given which induced the Director General to advise the Commander in Chief, that it was desirable to test the plan of discontinuing them.

1359. But that was only intended to be a temporary discontinuance, was it not?—No, it was intended that an examination should take place when the responsible medical officer considered necessary.

1360. Then you believe that that discontinuance was only intended to be temporary and experimental?—That was my notion. We did

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t follow that plan. It was merely a discre-nary power given to the commanding officer.

1361. Do you think the effect of that discon-nuance has been decidedly prejudicial to the ealth of the troops?—I cannot conceive that it n possibly have been otherwise; because we ow by experience, that the ravages of syphilis e not so much effected by the primary disease, hich is much diminished in its intensity, as by ose remote forms of constitutional disease which p the vitality of children even when it is only ansmitted.

1362. Captain *Grosvenor.*] Can you say from ur own knowledge whether the examination is rried out in any other regiment besides the ldstream and Grenadier Guards?—I believe is carried out in all regiments occasionally when, consequence of any evidence that comes to s knowledge, the surgeon advises the command-g officer to adopt it.

1363. I mean periodically?—I have no means knowing; being always quartered in London; am not so much in contact with the line regi-ents as I should otherwise be.

1364. Do you not think that one reason why e examination is not unpopular in the Cold-ream Guards is that it is not a matter of public toriety; do you not believe that if it was a tter of public notoriety it would be disliked? No: the majority of the recruits, and those om I always endeavour to procure, being ricultural lads, coming from the country, I do t think they have very much feeling about the tter; they know they are liable to be kept in spital a shorter time in consequence of being amined from time to time; and I always try to ulcate upon them that by being examined y escape being in hospital so long.

1365. You do not limit your ambition to the ricultural population, do you?—No; but I nk the agricultural recruits are a better class men, and less prone to consumption than any her class we have.

1366. Sir *John Simeon.*] Do you not believe t a great deal of the consumption which has en said to have been prevalent in the Guards, the result of venereal disease?—I think it is result of a combination of causes; among ers, probably the confinement in the hospital severe disease acting upon a constitution pre-ously debilitated, and the necessary treatment en mercury is given.

1367. With regard to the exemption from ex-ination on account of good conduct stripes and od character, do you think that the good aracter of a soldier, and the fact of his possess-g good conduct stripes, at all proves that he is re chaste than other men?—I do not think it es; I think not, certainly; he would be as ble at times to contract disease as other people e.

1368. It could not be considered that his good nduct stripe showed that he had been chaste, or t he had not previously contracted disease?—m afraid he would not be likely to obtain a od conduct stripe from the fact of not having ntracted disease.

1369. Therefore, the possession of a good aracter, or a good conduct stripe, does not at prove that a man is less likely to be affected th disease than his fellow soldier?—No; one quently finds men with that disease who have e or two good conduct stripes.

1370. I think you said that you believed that the effect of the Act, when in operation, upon the prostitutes had been very satisfactory?—I think so, certainly, judging from Windsor and Alder-shot, where we occasionally send a battalion, Windsor particularly.

1371. You find greater cleanliness?—Yes, we find greater cleanliness; they seem to be aware of the fact that ablution enables them to ply their calling for a longer period without being diseased.

1372. Mr. *Mills.*] What was the strength of the battalion you examined this morning?—I did not examine it.

1373. What is the total strength of a battalion generally in your regiment?—It varies; occasionally it is a little over 800 men; it depends upon circumstances. In the one which has gone away this morning there may not have been so many; it is generally about 800 strong.

1374. How much time is spent in the examination?—It depends very much upon the nature of the light, whether it is a bright day or a dark day, and also upon the nature of the disease and the way the men behave. Sometimes they attempt to elude the examination by concealment at the time. It is impossible to say how long an examination would last altogether. Sometimes it would take three-quarters of an hour or half-an-hour; it depends upon circumstances.

1375. Therefore it would not be sufficiently long to interfere with the regimental duty?—Not at all.

1376. You stated that there was no difficulty as regards recruiting and getting men; do you think you get men of an inferior class in consequence of this examination?—Certainly not.

1377. Sir *James Elphinstone.*] How long have you been in the service?—Eighteen years.

1378. Therefore you found the system of examination in existence in the service when you joined it?—Yes.

1379. And from that time to this you have never heard any complaints about it?—No, except what I have read occasionally.

1380. You have never heard any complaints from the men?—Never.

1381. You have no reason to believe that there is any complaint or dissatisfaction amongst them?—I never heard the slightest complaint in my life.

1381*. Mr. *Mitford.*] What arrangements are there in your regiment with respect to ablution for men coming in at night?—It varies in the different barracks; the new barracks at Chelsea have great facilities, there being an ablution place near the men's rooms, but in some of the older barracks the ablution place is in the ordinary washhouse, where the men go as often as they please. At Chelsea they have a better system of ablution.

1382. Do you attach great importance to that?—I attach immense importance to the chances the men might have of performing ablution on coming in at night.

1382*. *Chairman.*] Have you night lavatories in the barracks at Chelsea?—Yes, there is a place with a pipe and a cock of water, where men can always have water at night.

1383. Do you hear that the men use it frequently?—I think they are all beginning to understand the necessity of it.

1384. Mr. *Mitford.*] With reference to the manner in which the examination is conducted, you said that the serjeant was behind the screen

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behind which the men were examined in company with the medical officer?—No, he stands on a form behind the screen, and the medical officer sits in front of the screen.

1385. He does not see over?—No; he is there for the purpose of hearing the orders of the medical officer; he does not look at the men during the examination, or take part in the inspection in any way.

1386. Marquis of *Hamilton.*] None of the other men hear the order; the man's name is not perfectly known?—No, as the man passes by, the medical officer tells the serjeant above, "This man is to come to hospital," and the serjeant sees who it is. It is necessary for the serjeant to see the man, because his name would not be known to the medical officer.

1387. But what the surgeon said to one man would not be known to the other men?—If that man went to hospital the other men would draw an inference from it.

1388. But no name is mentioned at the time of the examination?—No; the medical officer would not know his name, so the serjeant takes it down.

1389. Dr. *Brewer.*] Would you accept the following little propositions with regard to the disease: shall we state primary syphilis to be syphilis affecting the parts directly inoculated with the virus?—Yes.

1390. In that we will include the hard chancre, the soft chancre, and the phagedænic sore?—That would not be an immediate effect.

1391. We will include them, however?—Yes, they may be included as instances of primary syphilis.

1392. I will take the secondary syphilis to be syphilis affecting parts not directly inoculated?—Certainly.

1393. Then I will take the tertiary syphilis, in the new form of it, to be symptoms arising after a lapse of time, when apparent health has been restored and continued, but subsequently the disease works out in various parts of the body, such as the skin?—I think that that is the true scientific description of the disease.

1394. If we take that, we shall understand each other?—Certainly.

1395. Do you believe that, by the course you are adopting, of examining your men, you have less secondary syphilis than those who do not examine the men for primary sores?—I have personally made no comparison; but I should think it must necessarily be so. I have not had an opportunity of comparing the results of the two systems.

1396. You certainly think you have less tertiary disease?—I never see that.

1397. Then, instead of being guided entirely by the amount of disease you found upon the skin, such as the arm, and face, and so on, you would think that that would be no guide whatever to the amount of disease?—No, certainly not. I think the tertiary form is the true criterion of the remote effects of the disease. I think that is a very material point, because I think the public, and even medical men, talk of disease by the same terms without meaning the same symptoms.

1398. If I understand you right, it appears that, in consequence of its changing quarters, you found at one time 25 or 30 men to be diseased in the regiment, when it had not been examined for some time?—No, I did not say that. I said that I knew of a battalion of the Guards in which, for some reason or other, an inspection was ordered to be made; and upon that particular occasion either 25 or 30 men were found to be diseased.

1399. But, in the case of your regiment, or the battalions under your care, there is no chance of such a thing occurring?—No, it is impossible.

1400. Now, with regard to efficiency, if regiments be not examined, will there be a greater number of inefficient soldiers in those regiments which are not examined than in regiments which are examined?—I should think the men in regiments which are not examined must be liable to many of those diseases which we now know to be the results of the imbibition of syphilis poison.

1401. Will the length of the disease be increased by non-examination?—The length of cure.

1402. The length of the disease is increased by allowing them to remain unexamined, is it not?—Certainly.

1403. And will not the increased length of the disease increase the period of inefficiency of the the soldier?—Certainly.

1404. And the amount of inefficiency?—Yes. I think their vital powers are diminished; it must be so.

1405. Will the loss of time be increased?—Yes.

1406. Will that throw a greater amount of labour upon the other soldiers in the regiment?—Certainly; and it was with that view that the order was previously issued, that all men under treatment for venereal disease should pay back their duty, in order to pay to others what they had been doing for them during the time of their treatment.

1407. Do more men become so much diseased in general health as to be no longer fit for the service, by the neglect to examine for primary disease?—I think, to answer that question satisfactorily, it would be necessary to know in how many cases of invaliding or death the cause of that invaliding or death might be attributed to syphilitic disease.

1408. Now, with regard to tertiary disease, do you believe that by early detecting and early treating primary disease you prevent tertiary disease?—I am sure of it.

1409. Do you think that tertiary disease frequently rises to such a height as to invalidate the powers of a soldier, and prevent his continuing to a soldier any longer?—I think it is those forms of disease which are called tertiary which do interfere with his physical power.

1410. Have you seen any bad tertiary disease in the army?—I have not for several years.

1411. Have you seen gonorrhœal rheumatism?—Yes.

1412. Have you seen syphilis lodging or depositing in the muscles or other structures?—Yes.

1413. Have you ever seen a case of ataxia?—Yes.

1414. Of syphilitic ataxia?—Yes.

1415. Upon the whole, then, you think that the examination of the soldier is an essential part of the preservation of a regiment in health?—Certainly for the preservation of the efficiency of the soldier and his vitality.

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1416. On every point—for the health of the soldier, for the efficiency of the soldier, for the saving of his pay, and for the saving of subsequent constitutional diseases—the examination of the soldier is an essential element?—Yes, and for the health of his children.

1417. Have you ever seen any hereditary syphilis?—Yes, a great deal.

1418. Amongst the children of soldiers?—No, not amongst the children of soldiers.

1419. But you have seen it professionally?—Yes, a great deal.

1420. What was the nature of that hereditary disease generally?—I have very often seen it affecting the eyes and skin.

1421. And the brain?—Yes.

1422. And the spinal cord?—Yes, producing a sort of malnutrition and atrophy.

1423. And the skin?—Yes.

1424. And the mesenteric glands?—Yes.

1425. The kidney, the bladder, the breast, and so on?—Yes.

1426. In fact, chronic disease is generated by neglected syphilis?—No doubt that is the tendency of present scientific deductions.

1427. Sir *John Pakington.*] I think you have stated, in answer to a former question, that you had observed that your regiment had suffered much less from venereal disease when stationed at Windsor than when stationed at London?—Yes.

1428. Do you attribute that difference to the fact that the Contagious Diseases Act is in operation at Windsor and not in London?—Yes, I do, to a certain extent; but Windsor, I think, is hardly a fair station by which to judge of the efficient operation of the Act, inasmuch as many men come from Windsor to London on short leave, and many women go from London to Windsor to see their friends, who are soldiers there; but at Windsor, no doubt, during the time we have had battalions quartered there lately, there has been a less amount of disease, and what there has been has been of much less intensity.

1429. Did you observe the same comparative freedom from venereal disease at Windsor before the Contagious Diseases Act had passed?—Windsor was about one of the worst stations that the brigade of Guards went to; for many years we used to get a worse class of disease there than anywhere.

1430. Previous to the passing of the Contagious Diseases Act?—Yes, a few years ago; it was notorious.

1431. I understand you that that state of things is reversed now?—Yes, it is quite reversed; but I can hardly attribute it to the operation of the Act altogether.

1432. At all events, the improvement at Windsor is a fact simultaneous with the operation of the Act?—Yes.

1433. Lord *Eustace Cecil.*] Following the question which the Right Honourable Member for Droitwich has just put, do you think that less disease is contracted at Aldershot than in London?—I think so; it is a long time since we had a battalion stationed there, except for a month, and therefore one has had very little opportunity of considering that question; I ought to add, except for rifle practice, when we have had very few cases of disease.

1434. You have had no means of judging of the effect of the Contagious Diseases Act at Aldershot?—No, not satisfactorily.

1435. Mr. *Mitford.*] Is Dublin a place where there is much disease?—Yes, it is a very bad form indeed.

1436. The Act does not extend to Dublin, does it?—No.

Mr. Francis Mayall Mallalieu, called in; and Examined.

Mr. *F. M. Mallalieu.*

1437. *Chairman.*] You are the Inspecting Officer of the Metropolitan Police Force, I think, appointed to inspect the naval and military stations under the Contagious Diseases Act?—I am.

1438. The Act at present is in operation at 12 stations, is it not, of which nine are in England?—At nine in England; we have no information about the Irish districts.

1439. I wish to examine you particularly with regard to the question of the extension of the area to which the Act applies; I will take each place separately; do you see any necessity for sanitary purposes to extend the area at Devonport?—Not so much there as elsewhere.

1440. There are two towns in the neighbourhood of Devonport, named Ivybridge and Plympton?—I know them both.

1441. It has been stated to us in evidence by Dr. Sloggett, that those two small towns harbour a large number of prostitutes; do you think it would be advisable to include them within the Act?—I think it would be advisable. I think that although there may not be any very large number of prostitutes there, those places are so intimately connected with our operations at Plymouth, that it would be desirable to include them if you alter the area at all.

1442. It has been suggested by some of the witnesses, that the power of the metropolitan police under this Act should be made conterminous with their power under the Metropolis Police Act, namely, that the area should be extended from five miles to 15 miles; do you think that such a recommendation as that would be advisable, or do you think it would be better, instead of making a hard and fast line, to suggest certain extensions in certain districts?—I am under the impression that it would be better to make the district conterminous with that of the Police Act.

1443. Would not that in certain places create difficulties; for example, if you were to extend it at Woolwich, it would take in part of London, would it not?—I proposed to include the Deptford parishes.

1444. I am speaking generally now; I will come to the particular case of Woolwich presently?—I think the character of the population is so exactly similar in the Deptford parishes, that they ought to be included.

1445. Again, at Winchester, I think that if the area was extended to 15 miles, on the principle of making it conterminous with that of the Metropolis Police Act, it would take in a portion of Southampton?—I think that is desirable; Portsmouth being already a district, it is very desirable that Southampton should be made one.

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1446. On the whole, you would recommend that the Act should be extended in that way to 15 miles?—I think so.

1447. Now going back to take these places in detail; with regard to Devonport, you would suggest that Ivybridge and Plympton should be included in the Schedules?—I think there is no objection to it; I think it would be an improvement upon the existing area.

1448. Sir *James Elphinstone.*] How about Kingsbridge and Dartmouth?—Kingsbridge might be included probably, but it would hardly be necessary to extend it to Dartmoor.

1449. I did not say Dartmoor, but Dartmouth; we have evidence that Dartmouth is very bad?—I understood you to say Dartmoor; but Dartmouth I think it would be desirable to include, if you altered the district at all.

1450. As well as Kingsbridge?—Yes.

1451. *Chairman.*] Supposing Dartmouth and Kingsbridge were included, could you say whether there would be sufficient Lock hospital accommodation at Plymouth for the whole district, or not?—If you made the district conterminous with our metropolitan police district, with the increase we have had at Plymouth, I think we should have enough.

1452. If you made it conterminous with the area under the Metropolis Police Act, would you include Dartmouth; Dartmouth is more than 15 miles from Plymouth, is it not?—Yes.

1453. Looking at it from a military point of view, first of all, do you think that it would be absolutely necessary to include Dartmouth within the Act?—No, I do not think it would from a military point of view.

1454. Would it from a naval point of view?—From a naval point of view it would be easier to have the Act worked if it were included.

1455. I suppose you speak of including Ivybridge and Plympton also from a naval point of view?—Yes.

1456. Are there any other places near Devonport which you would include in the Devonport area?—No, I think not.

1457. Sir *John Trelawny.*] Would you include Saltash?—No, I think not; it is unimportant.

1458. It is approachable by steam in a few minutes, is it not?—Yes; but there is not much prostitution at Saltash, I believe; I never heard of much; it is a very small place.

1459. Is it within the 15 miles' radius?—Yes.

1460. *Chairman.*] At all events, you would recommend that any large and populous place, such as Saltash, if included in the Act, should be named in the Schedule, would you not?—Yes, most certainly.

1461. Therefore you would propose that Ivybridge, Plympton, Kingsbridge, and Dartmouth should be included in the Devonport area?—I think it would be desirable.

1462. Then, with regard to Portsmouth, are there any alterations desirable at Portsmouth; are there any fresh towns which you would suggest should be included within the Act?—Yes, Southampton; I think Southampton is one of our weakest points by far.

1463. In making these recommendations, are you acquainted with the hospital accommodation of these towns?—No, I cannot say that I am perfectly.

1464. Then you are recommending without reference to whether there is or is not accommodation for them in the hospitals?—Yes; I could not undertake to say that the district was sufficiently provided with hospital accommodation.

1465. Mr. *Mitford.*] A witness told us that Chichester was a place that it was very desirable to include in the limits; is that your opinion?—I think when you are extending the area you should include Chichester, but I do not think it of the utmost importance.

1466. *Chairman.*] There are no troops at Chichester, are there?—No.

1467. Sir *John Trelawny.*] Would you recommend Gravesend to be included?—Yes, as a new place.

1468. Sir *John Simeon.*] Do you think Parkhurst ought to be included?—Yes, I think it ought.

1469. *Chairman.*] Then with regard to Sheerness, have you any recommendations to make?—No, I do not remember anything; I think nothing could be improved very much at Sheerness. Sittingbourne is a growing place.

1470. At Chatham?—We have spoken of including Maidstone, from time to time.

1471. Maidstone is one of the new places; I am talking of places where the Act is in operation?—I do not remember anything more to be included at Chatham.

1472. At Aldershot are there any towns or villages which ought to be included in the Schedules?—No, I think not.

1473. Sir *James Elphinstone.*] There is Guildford?—Probably Guildford ought to be included.

1474. *Chairman.*] At Woolwich?—At Woolwich I should propose to include the Deptford parishes.

1475. What are the Deptford parishes?—St. Paul and St. Nicholas, Deptford, and St. Alpage at Greenwich; I think if you included the hamlet of Hatcham it would be better.

1476. In Woolwich?—It is in the Parliamentary Borough of Greenwich, and has a population of a very similar kind.

1477. Mr. *Mills.*] Where is Hatcham?—It adjoins St. Paul, Deptford.

1478. Sir *James Elphinstone.*] It is in the fields, is it?—Yes; it has grown into a large town within the last few years.

1479. Mr. *Mills.*] Towards New Cross?—Yes, it would be the extent of the district in the direction of London.

1480. *Chairman.*] At Windsor are there any alterations to be made?—The parishes proposed to be added are Datchet and Slough, both in Bucks. There are two parishes which I should propose to include at Windsor; I have a memorandum, which I will furnish, of their names; I do not remember, at this moment, the names of those parishes.

1481. I think at Colchester there have been two parishes omitted by accident, Saint Andrews, Greenstead, and Lexton?—Yes, those should be included.

1482. At Shorncliffe what is there?—Dover; nothing else.

1483. That we will come to; we go now to the new places: it is proposed to extend the Act to the town of Gravesend?—Yes.

1484. And to extend it to the limits of the parishes of Gravesend, Milton, Northfleet, Denton, and Chalk?—Yes.

1485. Do you suggest any other parish?—No,

o, that district will be large enough; it will nclude all I desire.

1486. Sir *James Elphinstone.*] Would Dartrd come into it?—No; it is nearer Woolwich.

1487. *Chairman.*] It is proposed to include laidstone with the limits of the parishes of laidstone, Barming, East Farleigh, Loose, ooghton, Monchelsea, Allington, and the hamt of Tovil?—That is the district I propose.

1488. At Winchester, the limits of the Parliaentary borough of Winchester?—Yes.

1489. At Dover, the limits of the parishes of uckland, Charlton, Hougham, St. Mary's, St. ames', Eastcliffe (extra-parochial), and Guston? -Yes.

1490. At Walmer and Deal, the limits of the arishes of Walmer, Deal, Sholden, Monyeham, ingwold, and Ripple?—Yes.

1491. At Canterbury, the limits of the following arishes or ecclesiastical districts, namely, Saint ndrew, All Saints, Saint Alphage, Saint Mary radin, Saint Mary Bredman, Saint George-the-lartyr, Saint Mary Magdalen, Saint Margaret, aint Mildred, Saint Paul, Saint Peter-the-Archishop's Palace, Saint Dunstan, Christ Church, aint Gregory, Staplegate, Westgate Within, Vestgate Without, Saint Augustine, and Old astle?—That is the list.

1492. You will be kind enough to furnish the ommittee with the names of the places you ish to include in the borough of Windsor?—es.

1493. I understand that, in all these recomendations, you still adhere to the first recomendation, that the power should be extended so s to make it conterminous with the power under ne Metropolitan Police Act, namely to 15 miles? -Yes, I think so.

1494. Mr. *Mitford.*] Do you think it would e desirable, instead of mentioning, as you have een doing, special places to be inserted in a chedule, to give power to Her Majesty in ouncil to apply the Act to all naval and miliary stations as it might seem desirable?—I nink, perhaps, the way you put it would be the est.

1495. Why?—It would save a considerable mount of detail, at all events.

1496. It might save applying to Parliament onstantly for additions to these places, might it ot?—Just so. It would be quite in the spirit f the recommendation I ventured to give to ord Lifford's Committee, that all naval and ilitary places should be included.

1497. It was one of the recommendations of ord Lifford's Committee?—I took the liberty of suggesting it when I appeared before that Committee.

1498. In working the Act, might you not find that certain places were not now included in the Schedule, to which you might advantageously extend the operation of the Act without increasing the police force?—Yes; I have considered the question with reference to economy of police, and consider your suggestion of much importance.

1499. Sir *John Simeon.*] Do you see, practically, any good reason why any one place, being a military or naval station, should be under the operation of the Act, while another military or naval station should be exempted?—I think the way the Honourable Member who last questioned me put it is best, that you should be able to include, without applying to Parliament, certain places which have naval or military forces in them.

1500. Captain *Grosvenor.*] You think, in fact, that, as regards this Act, every naval or military station should be a centre of its operation?—I quite think so.

1501. Sir *John Trelawny.*] Have you any experience with regard to the militia?—No, I have not.

1502. Mr. *Mitford.*] Supposing those places that you have mentioned were attached to the places now under the Act, would the force of police you have in those places suffice to work it?—No.

1503. Lord *Charles Bruce.*] Have you made any estimate of the force you would require?—No, I have not; I did not know to what extent the Committee would go into that.

1504. *Chairman.*] Have you prepared any Tables which you can lay before the Committee?—Yes, I have prepared certain Tables to show the operation of the Act in the year 1868; that is, for the last 12 months.

1505. Will you hand them in?—Yes.—(*The same were handed in,* vide *Appendix.*)

1506. Mr. *Dalrymple.*] Do you believe it to be possible to carry out the police supervision excepting through the metropolitan force; do you think it would be well to trust it in the district to the local force?—I do not think it would be desirable to do so, because there are conflicting jurisdictions. Take Davenport, for example; you would have three or four jurisdictions start up the moment you proposed it; you would have the borough of Plymouth, the borough of Davenport, and the county jurisdictions, conflicting.

Thursday, 8th July 1869.

MEMBERS PRESENT:

Dr. Brewer.
Lord Charles Bruce.
Lord Eustace Cecil.
Mr. Childers.
Mr. Donald Dalrymple.
Sir James Elphinstone.
Marquess of Hamilton.
Mr. Kinnaird.
Mr. Mitford.
Sir John Pakington.
Mr. Rathbone.
Mr. Tipping.
Sir John Trelawny.
Captain Vivian.
Mr. Percy Wyndham.

CAPTAIN THE HON. J. C. W. VIVIAN, IN THE CHAIR.

Mr. JOHN SIMON, F.R.S., re-called; and further Examined.

Mr. *J. Simon*, F.R.S. 8 July 1869.

1507. *Chairman.*] In addition to the evidence which you were kind enough to give to the Committee on a previous occasion, I wish to ask you one question: you will be pleased to understand that we do not wish that you should give, directly or indirectly, any expression of opinion as to whether it would be advisable or not advisable, or possible or not possible, to extend the operation of this Act to the civil population; but I wish to ask you simply, in the event of its being thought desirable to extend this investigation further in that direction in the ensuing Parliament, the nature of the evidence which you think it would be desirable to collect between now and then in order to facilitate such investigation?—I have already had occasion to consider that question, looking upon it as within the ordinary limits of our departmental inquiries in the Council Office; but whether the essential evidence can be got in the interval between the present time and the next sitting of Parliament is, I think, doubtful. However, the kind of evidence is this: one wants to compare countries where prostitutes are under systematic sanitary regulation with countries where the commerce is not regulated; to compare the quantities of venereal diseases in the two classes of countries; and, in my opinion, very particularly to compare the quantities of true syphilis in the two classes of countries; and then, secondly, one wants to compare the now regulated countries in their present state with the same countries in their previous state of non-regulation; so as to see, for instance, what France has gained, what Prussia has gained, what Austria has gained, and so forth, first, against venereal diseases generally, and, secondly, against true syphilis. I fear that when one endeavours to get answers to questions of this kind, it will be found that records are imperfect, and that no sufficient means exist for fully answering the questions; but those are the questions to be asked. Failing a satisfactory answer to those questions (and, indeed, whether those questions are answered or not, for, even if they are answered, still we should be glad to have auxiliary evidence), we should want to make critical inquiry as to what good has been got in the most satisfactory military experience or naval experience of this country; and there, again, I fear that the evidence as yet obtainable will be insufficient, and that some time must be let elapse before satisfactory answers can be given. The army statistics which I have looked at do not distinguish true venereal disease. Everyone knows how good the system of army statistics is: there is not, I suppose, a better statistician in the country than Dr. Balfour; and his system of statistics is admirable; but until attention is drawn particularly to such questions as are now under discussion, the importance of discriminating cases of true syphilis from other venereal diseases would hardly suggest itself to statisticians, and would be lumped together as venereal diseases. Recently a discrimination has been made between sores and discharges; but that is not sufficient for the purpose; we should want to know, in regard to superintended populations, such as the army and navy, what difference there is between years before and years after the adoption of the Act as regards the number of first attacks of secondary syphilis. I believe that would be the simplest way of getting what we want to get; not to inquire about sores, because the sores which give secondary syphilis are probably often overlooked; but to fix our attention on the first outbreak of secondary syphilis, and to ascertain how many first outbreaks there were of secondary syphilis in given years before the adoption of the system, and how many in given years after it.

1508. Therefore you suggest that in this interval all the statistics which we can get, with regard to those points to which you have referred, should be collected from those countries in which a law similar to this is in operation?—Yes.

1509. And that we should in our own country collect still more definite statistics with regard to the operation of the Act in military districts in this country?—Yes.

1510. Mr. *Percy Wyndham.*] I suppose that you would attach great importance to finding out the comparative amount of disease in countries where the repressive measures have been carried out, as compared with those countries in which they have not been carried out?—I attach importance to that as one element of comparison.

1511. Supposing that evidence were to go to show that in one country in which repressory measures had been carried out there was more disease

ease than in another country where those mea-
e had not been carried out, would it be alto-
her a safe conclusion to arrive at, that re-
ssory measures were therefore futile?—Cer-
ly not, without considering all circumstances
he compared cases.

512. Dr. *Brewer.*] Would you object to tell what definition you attach to the words "se-
dary syphilis"?—I use the words in the
inary medical sense.

513. Do you include in it what is commonly
led, or has been lately called, tertiary syphilis?
For the present purpose, I do; the list of first
acks of secondary syphilis would of course
lude all cases of tertiary syphilis.

514. The reason why I ask you that question
because I think that we have not been quite
isfied with regard to the use of the words
ondary syphilis; "secondary syphilis"; se-
dary syphilis has been sometimes supposed
be merely that which affects parts not directly
culated, and which is confined to that?—Yes.

515. Then it does not include the symptoms
sing after a lapse of time, when apparent health
been procured?—Yes, quite in my opinion;
se "secondary" in the sense of ulterior.

516. Including both?—Including both.

517. Mr. *Mitford.*] Do you think that it
uld be desirable, in making these inquiries
foreign countries, to divide them into two
cts as regards prostitution; one touching the
ert prostitutes, and the other touching what
commonly called clandestine prostitutes?—I
nk the inquiry to be made in foreign countries
ght of course to be as complete as possible.

518. We have had evidence that the great
ficulty in foreign countries is with regard to
ndestine prostitution; ought we not to in-
ire whether any means have been discovered
arresting the disease among clandestine prosti-
es?—Yes.

519. Mr. *Percy Wyndham.*] Could you in-
m the Committee whether you think the most
isfactory way of gathering this evidence would
by having over one or more witnesses from
er countries, or whether it would not be more
isfactory, and more likely that we should get
more detailed and general account, if the
vernment were by letter to apply to foreign
vernments to furnish us with information under
ious detailed heads?—I suppose that the
iest way of proceeding would be in the first
stance by letter. If my department had to
dertake this part of the business, no doubt we
uld communicate with the Foreign Office upon
subject. Particular questions would of course
quire a good deal of planning. I think it very
ssible that afterwards some one might have to
on the Continent to get more precise infor-
tion upon particular points. Then it might
n out that there were reasons to believe that
this Committee sat again next year, admirable
formation could be brought over by this or that
rson coming here from a particular place, but
say beforehand that such information could be
, is more than I can say. My answer is
ended to apply particularly to statistics, and the
estion I understood only to refer to statistical
idence.

1520. Dr. *Brewer.*] Do you think that any
tistics upon which reliance could be placed,
exist in those countries which have been under regulations of the number and character of the cases of the disease existing there previous to those regulations?—I am in great doubt whether there is. That is one of the difficulties which I foresee in getting quite conclusive evidence. I think it quite possible that you will have to wait for the riper experience of our own army and navy.

Mr. *J. Simon*, F.R.S.

8 July 1869.

1521. In France, I suppose, you would trust to the hospitals; there was no collected evidence existing in France, was there, previously?—I should think not; but, as regards the drawing of any very exact conclusions, we are in this very serious embarrassment in the matter: that true syphilis has been a defined disease only within the last few years: indeed I can hardly say that the definition of it is yet complete. Our knowledge of the internal diseases produced by syphilis is almost entirely a growth of the last few years, and is even yet far from finished.

1522. Mr. *Childers.*] Would it not be practicable to obtain in France facts to compare with the facts given in M. Parent Duchâtelet's book many years ago?—Yes, I should think it would be quite possible.

1523. Mr. *Tipping.*] Have not the French had statistics since 1791 upon this subject?—They have had law applying to the subject from a still longer time, I think.

1524. But from that date has not a more general system been established?— I have not the dates in my memory.

1525. Do you think that we could get sufficient statistics or sufficient information as regards the state of things at home, where free trade exists, so as to compare it with the state of things in France, where we know surveillance exists, so as to afford a basis of comparison between this country and a country where we know the system exists and has long existed?—The sort of evidence which we have of the quantity of venereal disease in England is such as I have given in my annual report of this year, and that was the result of special inquiry; that is to say, an inspector from our office attended at a considerable number of dispensaries and hospitals, jotting down for himself the cases as they entered. He watched all the practice of a large hospital for a week, and then of another large hospital, and got the proportion of venereal diseases, and of each kind of venereal disease, in their practice. That kind of information cannot be got from many places on the Continent. It is, I think, only quite recently that any information of that kind could be got from France.

1526. But if we could compare, say, Liverpool to Marseilles, it would be very valuable, would it not, because they are two corresponding places in the two countries?—That would be a very valuable comparison.

1527. Mr. *Childers.*] Do you know whether there is any good evidence about the working of the system in Belgium?—As regards Brussels I believe there is.

1528. You are aware that people have said that the system is most perfect in Belgium, and if it is so, it would be well, would it not, to get the most conclusive evidence as to Belgium which could be obtained?—Yes.

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"Royal Adelaide," in Hamoaze, 1869.

RETURN of the Working of the Contagious Diseases Act at this Port.

1869. WEEK ENDED	Number of Women admitted into Hospital during the Week.	Number of Cases Admitted on the Sick List.																		Average Number of Men Daily under Treatment.			Number of Men in Port and Garrison.				Per-centage of Men who have contracted Venereal Disease in this Port.	
		Primary Sores.						Gonorrhœa.						Other Venereal Diseases.			Total Number of Cases of Disease.											
		Contracted in Port.			Contracted elsewhere.			Contracted in Port.			Contracted elsewhere.																	
		Soldiers.	Seamen.	Marines.	Soldiers.	Seamen.	Marines.	Soldiers.	Seamen.	Marines.	Soldiers.	Seamen.	Marines.	Soldiers.	Seamen.	Marines.	Soldiers.	Seamen.	Marines.	Grand Total.	Soldiers.	Seamen.	Marines.	Soldiers.	Seamen.	Marines.	Grand Total.	Primary Sores.	Gonorrhœa.
January 2	39	4	1	–	1	–	–	7	3	–	–	–	–	1	–	2	13	4	2	19	34	55	26	2,561	5,072	1,466	9,099	·054	·109
„ 9	26	2	7	1	–	1	1	10	2	1	–	1	–	–	–	–	12	11	3	26	41	54	26	2,564	5,562	1,466	9,592	·104	·135
„ 16	26	5	1	1	2	1	1	11	–	2	–	2	–	2	1	–	20	5	4	29	49	53	28	2,562	6,258	1,466	10,286	·068	·126
„ 23	31	4	1	3	1	1	–	6	3	2	–	3	–	1	1	–	12	9	5	26	58	54	27	2,572	5,960	1,466	9,998	·080	·110
„ 30	36	5	–	1	–	–	–	3	–	3	–	3	–	–	2	–	8	5	4	17	59	50	29	2,567	6,028	1,428	10,023	·059	·059
February 6	35	2	4	4	1	1	–	5	3	1	–	3	1	–	–	–	8	11	6	25	48	51	33	2,568	6,549	1,433	10,550	·094	·085
„ 13	39	8	3	3	–	2	2	7	3	1	–	–	–	1	–	–	16	8	6	30	47	52	32	2,567	6,445	1,423	10,435	·134	·105
„ 20	37	4	5	3	–	–	–	5	5	1	–	4	–	1	–	–	10	14	4	28	46	59	28	2,574	6,814	1,420	10,808	·111	·101
„ 27	31	5	4	1	–	4	–	3	–	1	1	–	–	1	1	–	10	9	2	21	46	56	28	2,577	6,857	1,404	10,838	·092	·036
March 6	42	3	4	2	–	–	1	4	4	–	–	–	1	–	2	–	7	10	4	21	46	58	33	2,562	6,548	1,385	10,495	·085	·076
„ 13	29	4	1	1	–	–	–	4	1	1	–	–	–	2	2	2	10	4	4	18	42	53	33	2,511	5,534	1,292	9,337	·064	·064
„ 20	27	4	3	3	–	–	4	6	2	2	–	–	–	3	–	2	13	5	11	29	39	50	35	2,495	5,372	1,502	9,369	·106	·106
„ 27	12	2	3	–	–	–	1	–	2	1	1	–	4	3	–	–	6	5	6	17	27	48	40	2,477	5,251	1,750	9,478	·052	·031
April 3	36	3	2	4	–	–	–	2	2	5	–	–	–	3	4	–	8	8	9	25	25	48	38	2,455	5,280	1,840	9,575	·093	·093
„ 10	36	3	2	–	–	–	–	2	4	4	–	–	–	1	2	–	6	8	4	18	24	51	44	2,208	5,762	1,840	9,810	·050	·100
„ 17	28	1	1	2	–	–	2	3	2	2	–	–	1	1	3	–	5	6	7	18	22	49	48	2,179	5,783	1,763	9,725	·041	·071
„ 24	31	1	1	1	–	–	–	5	1	–	–	–	1	–	1	–	6	3	2	11	21	44	48	2,539	5,780	1,762	9,881	·030	·060
May 1	29	3	7	–	1	–	1	4	1	2	4	–	–	1	1	–	13	9	3	25	23	39	48	2,264	5,931	1,755	9,950	·100	·070
„ 8	35	4	2	1	–	1	1	6	1	1	–	–	–	–	1	–	10	5	3	18	24	37	47	2,250	6,761	1,764	10,775	·065	·073
„ 15	28	3	1	3	1	1	–	3	5	4	2	1	1	4	1	1	13	9	9	31	32	42	49	2,294	7,996	1,710	12,000	·058	·100
„ 22	34	1	2	1	1	–	–	2	5	5	2	1	–	–	1	–	6	9	6	21	32	38	57	2,274	6,895	1,689	10,858	·036	·110
„ 29	23	–	1	2	2	3	–	9	3	1	6	2	1	–	1	–	17	10	4	31	32	55	55	1,955	7,290	1,692	10,937	·027	·118
June 5	20	1	2	2	–	2	–	3	1	4	–	1	–	1	2	–	5	8	6	19	31	52	51	1,972	7,176	1,661	10,809	·046	·074
„ 12	– –	2	1	7	–	4	1	7	7	4	3	3	–	2	2	–	14	17	12	43	29	58	50	1,931	8,772	1,632	12,335	·081	·145

App. No. 2.

Appendix, No. 2.

PAPER handed in by Mr. *W. G. Romaine*, C.B., 28 June 1869.

RETURN of the Number of WOMEN discharged from LOCK HOSPITAL as INCURABLE or as PREGNANT, during the Five Months ending 31st May 1869.

Hospital.	Pregnant.	Incurable.
Portsmouth, Portsea, and Gosport Hospital - - - -	1	–
Royal Albert Hospital, Devonport - - - - - -	6	8
TOTAL - - -	7	8

Admiralty, 28 June 1869.

W. G. Romaine,
Secretary of Admiralty.

Appendix, No. 3.

PAPERS handed in by Inspector *John Smith*, 1 July 1869.

CONTAGIOUS DISEASES ACT, 1866.

ALDERSHOT DISTRICT.

RETURN showing the RESIDENCES of the PROSTITUTES in the above-mentioned District on 30 June 1869.

In Private Rooms.	In Brothels.	In Public Houses.	In Beer Houses.	With Parents.	TOTAL.	Remarks.
38	120	1	72	5	243	Seven are now in the Lock Hospital, who have not resided within the district.

John Smith, Inspector.

RETURN showing the BIRTHPLACES of the PROSTITUTES in the above-mentioned District on 30 June 1869.

Berkshire.	Buckinghamshire.	Cornwall.	Devonshire.	Dorsetshire.	Essex.	Hampshire.	Kent.	Lancashire.	Lincolnshire.	Middlesex.	Northamptonshire.	Northumberland.	Oxfordshire.	Somersetshire.	Surrey.	Sussex.	Suffolk.	Staffordshire.	Warwickshire.	Wiltshire.	Yorkshire.	At Sea.	Scotland.	Ireland.	Wales.	Channel Islands.	New Zealand.	France.	Prussia.	TOTAL.
13	1	4	17	2	4	46	14	13	2	11	2	1	3	15	30	6	6	3	8	3	11	1	7	13	2	2	1	1	1	243

John Smith, Inspector.

Appendix, No. 4.

PAPERS handed in by Mr. *T. G. Balfour*, M.D., F.R.S., 1 July 1869.

TABLE showing the ADMISSIONS into HOSPITAL per 1,000 of Mean Strength for VENEREAL DISEASES at following Stations for the Nine Years, 1860–68.

STATIONS.	1860.	1861.	1862.	1863.	1864.	1865.	1866.	1867.	1868.	REMARKS
Devonport and Plymouth	440	470	367	351	289	360	317	312	280	10 Oct. 18
Portsmouth - - -	503	485	407	349	337	329	359	378	348	8 Oct. 18
Chatham and Sheerness -	351	328	313	322	313	292	326	277	275	6 Nov. 1
Shorncliffe - - -	327	325	233	248	249	233	219	215	297	24 July 18
Woolwich - - -	473	399	371	292	220	204	219	255	191	6 Nov. 1
Aldershot - - -	339	361	349	303	321	302	233	261	237	12 April 1
Isle of Wight - -	304	295	396	246	288	259	254	327	346	
Winchester - - -	408	380	410	301	363	354	287	288	349	
Canterbury - - -	290	397	441	435	310	239	379	375	407	
Dover - - - -	383	401	337	313	247	183	248	354	376	
London and Windsor - Household Cavalry	97	135	127	143	139	147	143	129	133	
London and Windsor - Foot Guards	255	328	348	348	314	316	311	326	343	
Warley - - -	–	335	290	412	294	313	328	328	330	
Colchester - - -	430	415	464	396	371	355	451	500	537	
Pembroke Dock - -	228	261	217	187	224	184	100	153	159	
Manchester - - -	289	487	455	330	314	382	312	501	312	
Preston - - -	–	209	358	345	406	370	272	361	379	
Edinburgh - - -	300	260	278	305	200	286	171	244	157	
Cork - - - -	346	354	288	294	253	249	160	196	209	
Fermoy - - -	268	195	159	213	146	124	149	202	186	
Limerick - - -	401	360	384	328	308	335	150	272	291	
Curragh - - -	373	364	304	308	303	258	217	280	243	
Dublin - - -	409	363	372	399	368	384	323	333	333	
Belfast - - - -	–	469	342	300	283	288	215	230	329	

BLE showing the Ratio of Admissions into Hospital, for Primary Venereal Sores and Gonorrhœa, per 1,000 of Mean Strength at each of the following Stations during the Five Years, 1864–68.

Stations.	Diseases.	1864.	1865.	1866.	1867.	1868.	Remarks.
onport and Plymouth -	Venereal sore - -	110	133	82	76	66	10 Oct. 1866
	Gonorrhœa - -	116	147	169	178	148	
tsmouth - - -	Venereal sore - -	121	113	100	116	86	8 Oct. 1866
	Gonorrhœa - -	130	137	166	180	188	
tham and Sheerness -	Venereal sore - -	88	86	83	71	63	6 Nov. 1866
	Gonorrhœa - -	146	139	161	131	156	
rncliffe - - -	Venereal sore - -	82	68	57	42	77	24 July 1868
	Gonorrhœa - -	91	96	111	125	123	
lwich - - -	Venereal sore - -	80	76	89	88	46	6 Nov. 1866
	Gonorrhœa - -	86	82	84	115	95	
rshot - - -	Venereal sore - -	105	100	81	81	77	12 April 1867
	Gonorrhœa - -	121	112	88	99	100	
of Wight - - -	Venereal sore - -	74	32	11	59	103	
	Gonorrhœa - -	145	164	198	165	148	
chester - - -	Venereal sore - -	111	72	46	52	104	
	Gonorrhœa - -	181	206	147	129	172	
erbury - - -	Venereal sore - -	68	77	117	119	114	
	Gonorrhœa - -	173	100	131	176	210	
er - - - - -	Venereal sore - -	90	67	90	132	111	
	Gonorrhœa - -	93	73	104	136	181	
lon and Household Cavalry -	Venereal sore - -	48	50	58	45	50	
	Gonorrhœa - -	46	42	42	47	42	
lsor - Foot Guards	Venereal sore - -	192	162	178	171	173	
	Gonorrhœa - -	85	80	67	78	81	
ley - - - -	Venereal sore - -	52	97	79	74	92	
	Gonorrhœa - -	167	192	207	218	181	
hester - - -	Venereal sore - -	118	107	173	145	182	
	Gonorrhœa - -	177	168	188	226	214	
broke Dock - -	Venereal sore - -	65	83	31	28	35	
	Gonorrhœa - -	104	57	52	96	81	
hester - - -	Venereal sore - -	104	127	92	177	115	
	Gonorrhœa - -	94	151	148	239	113	
on - - - -	Venereal sore - -	99	85	75	87	87	
	Gonorrhœa - -	229	207	129	180	182	
ourgh - - -	Venereal sore - -	66	112	58	63	46	
	Gonorrhœa - -	97	132	81	129	81	
- - - -	Venereal sore - -	76	86	49	72	61	
	Gonorrhœa - -	104	88	63	76	81	
oy - - - -	Venereal sore - -	34	44	36	70	47	
	Gonorrhœa - -	71	45	63	94	100	
brick - - - -	Venereal sore - -	129	71	48	117	114	
	Gonorrhœa - -	91	176	55	106	114	
agh - - - -	Venereal sore - -	129	97	77	104	85	
	Gonorrhœa - -	93	86	77	104	96	
in - - - - -	Venereal sore - -	179	150	126	129	139	
	Gonorrhœa - -	107	142	114	122	118	
st - - - - -	Venereal sore - -	109	46	74	89	56	
	Gonorrhœa - -	96	174	86	70	237	

App. No. 5.

Appendix, No. 5.

PAPER handed in by Mr. *P. Leonard*, M.D., R.N., and referred to in his Evidence, 24 June 1869.

TABLE showing OPERATIONS under the CONTAGIOUS DISEASES ACT during the Year ending 31 March last (1869).

Number of Examinations of Common Prostitutes at all the Stations under the Act.		Number found Diseased and admitted to Hospital.	Number found Free from Disease.	Number not Examined from Natural Causes (Menstrual Period).	Number Discharged Incurable.
During the Quarter ending 30th June 1868 - -	2,542	1,094	1,118	302	9
During the Quarter ending 30th September - -	3,532	1,296	2,011	225	22
During the Quarter ending 31st December - -	5,073	1,220	3,448	394	14
During the Quarter ending 31st March 1869 - -	6,974	1,254	5,720	503	28
TOTAL - - -	18,121	4,864*	12,297	1,424	73

* 28 being pregnant were not admitted.

N.B.—Many of the same women have been several times examined and in hospital before.

P. Leonard, M.D., R.N.,
Inspector of Certified Hospitals.

App. No. 6.

Appendix, No. 6.

PAPERS handed in by Mr. *Sloggett.*

ROYAL ALBERT HOSPITAL, DEVONPORT.

ABSTRACT of LOCK CASES passed through the Hospital between the 3rd December 1863 and the 31st March 1869, giving the respective Per-Centages of Syphilitic and Gonorrhœa Cases, and showing the striking Reduction in the former.

	Total Cases of each Class.	Syphilis.			Gonorrhœa.		
		No. of Cases.	Average Days of Treatment.	Per-Centage of Cases.	Number of Cases.	Average Days of Treatment.	Per-Centage of Cases.
*Voluntary System.**							
484 days, 3rd Dec. 1863 to 31st March 1865 (35 beds.)	282	162	38·78	57·45	120	31·32	42·55
Under the Act of 1864.							
548 days, 1st April 1865 to 30th Sept. 1866 (Average 58½ beds.)	422	196	64·51	46·45	226	50·5	53·55
Under the Act of 1866.							
182 days, 1st Oct. 1866 to 31st March 1867 (62 beds.)	155	54	92·11	34·84	101	61·5	65·16
183 days, 1st April 1867 to 30th Sept. 1867 (62 beds.)	168	60	79·21	35·72	108	48·	64·28
182 days, 1st Oct. 1867 to 31st March 1868 (91 beds.)	238	86	74·87	36·13	152	35·84	63·87
183 days, 1st April 1868 to 30th Sept. 1868 (Average 136½ beds.)	754	193	58·36	25·60	561	22·86	74·40
182 days, 1st Oct. 1868 to 31st March 1869 (162 beds.)	835	148	56·84	17·72	687	26·36	82·28
	2,854	899			1,955		

* Under the "Voluntary System" 48 Syphilitic Patients and 20 cases of Gonorrhœa were discharged uncured, at their own request.

RETURN showing the Total Number of LOCK CASES passed through the ROYAL ALBERT HOSPITAL, DEVONPORT, between the 3rd December 1863 and the 31st March 1869, giving the respective Per-Centages of Syphilitic and Gonorrhœa Cases, and showing the Reduction in the first-mentioned Cases.

	Total Cases of each Class.	Syphilis.			Gonorrhœa.			DETAIL OF SYPHILITIC CASES.																	
								Primary.			Secondary.			Primary and Secondary.			Primary and Gonorrhœa.			Secondary and Gonorrhœa.			Primary, Secondary, and Gonorrhœa.		
		Number of Cases.	Average Days of Treatment.	Per-Centage of Cases.	Number of Cases.	Average Days of Treatment.	Per-Centage of Cases.	Number of Cases.	Average Days of Treatment.	Per-Centage of Cases.	Number of Cases.	Average Days of Treatment.	Per-Centage of Cases.	Number of Cases.	Average Days of Treatment.	Per-Centage of Cases.	Number of Cases.	Average Days of Treatment.	Per-Centage of Cases.	Number of Cases.	Average Days of Treatment.	Per-Centage of Cases.	Number of Cases.	Average Days of Treatment.	Per-Centage of Cases.
*Voluntary System.**																									
484 days, 3rd Dec. 1863 to 31st March 1865 (35 beds.)	282	162	38·78	57·45	120	31·32	42·55	55	33·20	19·50	45	39·42	15·96	3	64·00	1·06	17	38·41	6·03	41	40·66	14·54	1	170·	·36
Under the Act of 1864.																									
548 days, 1st April 1865 to 30th Sept. 1866 (Average 58½ beds.)	422	196	64·51	46·45	226	50·5	53·55	32	78·5	7·58	1	30·	·24	11	58·00	2·61	60	59·	14·22	84	59·00	19·90	8	121·	1·90
Under the Act of 1866.																									
182 days, 1st Oct. 1866 to 31st March 1867 (62 beds.)	155	54	92·11	34·84	101	61·5	65·16	2	85·5	1·29	–	–	–	2	136·5	1·29	19	67·50	12·26	26	98·5	16·77	5	137·5	3·23
183 days, 1st April 1867 to 30th Sept. 1867 (62 beds.)	168	60	79·21	35·72	108	48·	64·28	1	125·	·59	–	–	–	1	96·00	·59	28	78·	16·67	25	77·	14·89	5	84·5	2·98
182 days, 1st Oct. 1867, to 31st March 1868 (91 beds.)	238	86	74·87	36·13	152	35·84	63·87	1	125·	·42	–	–	–	–	–	–	34	75·27	14·28	42	72·30	17·65	9	79·83	3·78
183 days, 1st April 1868 to 30th Sept. 1868 (Average 136½ beds).	754	193	58·36	25·60	561	22·86	74·40	13	29·04	1·73	5	84·41	·67	1	129·00	·13	81	61·02	10·74	77	49·06	10·21	16	100·87	2·12
182 days, 1st Oct. 1868 to 31st March 1869 (162 beds.)	835	148	56·84	17·72	687	26·36	82·28	21	64·35	2·51	8	43·25	·96	3	61·00	·36	47	56·66	5·63	61	56·06	7·30	8	56·14	·96
	2,854	899			1,955			125			59			21			286			356			52		

* Under the "Voluntary System" 48 Syphilitic Patients and 20 cases of Gonorrhœa were discharged uncured, at their own request.

Appendix, No. 7.

PAPERS handed in by Mr. *Mallalieu.*

CONTAGIOUS DISEASES ACT, 1866.

App. No. 7.

RETURN showing the DATES upon which the CONTAGIOUS DISEASES ACT was put in Operation.

DISTRICT.	Date on which Act Commenced.
WOOLWICH	14th November 1866.
ALDERSHOT	12th April 1867.
WINDSOR	1st April 1868.
SHORNCLIFFE	27th August 1869.
COLCHESTER	1st February 1869.
CHATHAM	19th November 1866.
SHEERNESS	26th October 1866.
PORTSMOUTH	10th October 1866.
DEVONPORT	8th October 1866.

RETURN showing the Number of POLICE employed in carrying out the Provisions of the CONTAGIOUS DISEASES ACT.

DISTRICT.	Inspectors.	Sergeants.	Constables.	TOTAL.
WOOLWICH	1	-	-	1
ALDERSHOT	1	1	5	7
WINDSOR	-	-	1	1
SHORNCLIFFE	1	-	2	3
COLCHESTER	1	-	2	3
CHATHAM	1	-	-	1
SHEERNESS	1	-	-	1
PORTSMOUTH	1	1	3	5
DEVONPORT	1	1	3	5
TOTAL	8	3	16	27

RETURN showing the Number of PERSONS who have been brought before MAGISTRATES for OFFENCES against Act, for Year ended May 1869.

DISTRICT.	Refusing to attend for Examination.	Offences against Hospital Regulations.	Harbouring Diseased Women.	Other Offences against the Act.
WOOLWICH	-	22	—	—
ALDERSHOT	-	6	-	1
WINDSOR	-	3	—	—
SHORNCLIFFE	1	1	—	—
COLCHESTER	3	2	—	—
CHATHAM	-	5	-	3
SHEERNESS	—	—	—	—
PORTSMOUTH	1	17	-	20
DEVONPORT	3	19	2	—
TOTAL	8	75	2	24

RETURN showing the Number of PROSTITUTES who have entered HOMES, or Returned to their FRIENDS for the Year ended March 1869.

DISTRICT.	Entered Homes, &c.	Returned to Friends.
WOOLWICH	19	36
ALDERSHOT	18	20
WINDSOR	3	12
SHORNCLIFFE	9	5
COLCHESTER	2	5
CHATHAM	24	45
SHEERNESS	-	6
PORTSMOUTH	43	60
DEVONPORT	59	25
TOTAL	177	214

RETURN showing the Number of PROSTITUTES brought under the Provisions of the Contagious Diseases for the Four Quarters under mentioned.

DISTRICT.	QUARTER ENDED	Number of Beds in Lock-wards of Hospitals.	Number Admitted to Hospital on Certificates of Visiting Surgeon.	Number Examined and found free from Disease.	Number who submitted Voluntarily under Section 17.	Number against whom it was necessary to proceed by Informations before Magistrates.	Total Number brought under Provisions of the Act.	Number Discharged from Hospitals.				Total Number Dis-
								Number Discharged free from Disease, who still follow their former Pursuits.	Number who have entered Homes, &c.	Number who have Returned to their Friends.	Number discharged as Incurable.	
ABSTRACT	30 June 1868	484	1,094	1,118	2,204	8	2,212	925	28	40	9	1,0
	30 November 1868	517	1,296	2,011	3,306	1	3,307	1,110	48	79	22	1,2
	31 December 1868	517	1,220	3,448	4,661	7	4,668	1,125	50	47	14	1,2
	13 Weeks ended 1 April (1869)	542	1,254	5,720	6,957	17	6,974	1,124	51	48	28	1,2
		542	4,864	12,297	17,128	33	17,161	4,284	177	214	73	4,7
WOOLWICH	30 June 1668	40	145	141	284	2	286	111	2	1	2	1
	30 November 1868	40	131	169	300	–	300	100	6	18	2	1
	31 December 1868	40	140	376	516	–	516	124	6	8	2	1
	13 Weeks ended 1 April (1869)	40	125	429	554	–	554	116	5	9	3	1
		40	541	1,115	1,654	2	1,656	451	19	36	9	5
ALDERSHOT	30 June 1868	70	175	298	467	6	473	140	5	5	1	1
	10 September 1868	70	228	502	730	–	730	211	6	8	3	2
	31 December 1868	70	208	761	969	–	969	201	4	3	–	2
	13 Weeks ended 1 April (1869)	70	185	943	1,128	–	1,128	185	3	4	4	1
		70	796	2,504	3,294	6	3,300	757	18	20	8	7
WINDSOR	30 June 1868	20	26	69	95	–	95	19	–	3	–	
	30 September 1868	20	32	34	66	–	66	20	–	2	–	
	31 December 1868	20	33	71	104	–	104	32	–	2	–	
	13 Weeks ended 1 April (1869)	20	26	128	154	–	154	21	3	–	1	
		20	117	302	419	–	419	92	3	7	1	1

RN showing the Number of Prostitutes brought under the Provisions of the Contagious Diseases Act, &c.—*continued.*

RICT.	Quarter Ended	Number of Beds in Lock-wards of Hospitals.	Number admitted to Hospital on Certificates of Visiting Surgeon.	Number Examined and found free from Disease.	Number who submitted Voluntarily under Section 17.	Number against whom it was necessary to proceed by Informations before Magistrates.	Total Number brought under Provisions of the Act.	Number Discharged from Hospital.				Total Number Discharged.
								Number Discharged free from Disease, who still follow their former Pursuits.	Number who have entered Homes, &c.	Number who have Returned to their Friends.	Number Discharged as Incurable.	
LIFFE -	30 June 1868 - - -	–	–	–	–	–	–	–	–	–	–	–
	30 September 1868 - -	25	70	159	228	1	229	38	3	3	–	44
	31 December 1868 - -	25	34	236	270	–	270	31	3	2	1	37
	13 weeks ended 1 April (1869) - - -	25	56	215	271	–	271	44	3	–	1	48
		25	160	610	769	1	770	113	9	5	2	129
STER -	30 June 1868 - - -	–	–	–	–	–	–	–	–	–	–	–
	30 September 1868 - -	–	–	–	–	–	–	–	–	–	–	–
	31 December 1868 - -	–	–	–	–	–	–	–	–	–	–	–
	13 weeks ended 1 April (1869) - - -	25	43	156	197	2	199	14	2	5	–	21
		25	43	156	197	2	199	14	2	5	–	21
AM -	30 June 1868 - - -	75	160	129	289	–	289	166	2	1	–	169
	30 September 1868 - -	75	172	263	435	–	435	144	6	23	1	174
	31 December 1868 - -	75	151	465	616	–	616	139	10	14	1	164
	13 weeks ended 1 April (1869) - - -	75	172	515	687	–	687	147	6	7	3	163
		75	655	1,372	2,027	–	2,027	596	24	45	5	670
ESS -	30 June 1868 - - -	5	16	65	81	–	81	11	–	1	–	12
	30 September 1868 - -	5	15	73	88	–	88	15	–	2	–	17
	31 December 1868 - -	5	13	80	93	–	93	13	–	1	–	14
	13 weeks ended 1 April (1869) - - -	5	27	83	110	–	110	23	–	2	–	25
		5	71	301	372	–	372	62	–	6	–	68
OUTH -	30 June 1868 - - -	120	200	246	446	–	446	175	6	16	3	200
	30 September 1868 - -	120	226	480	706	–	706	191	11	19	5	226
	31 December 1868 - -	120	220	532	752	–	752	186	12	14	8	220
	13 weeks ended 1 April (1869) - - -	120	213	1,712	1,915	10	1,925	184	14	11	5	214
		120	859	2,970	3,819	10	3,829	736	43	60	21	860
FORT -	30 June 1868 - - -	154	372	170	542	–	542	303	13	13	3	332
	30 September 1868 - -	162	422	331	753	–	753	391	16	4	11	422
	31 December 1868 - -	162	421	927	1,341	7	1,348	399	15	3	2	419
	13 weeks ended 1 April (1869) - - -	162	407	1,539	1,941	5	1,946	390	15	5	12	422
		162	1,622	2,967	4,577	12	4,589	1,483	59	25	28	1,595

7.

RETURN showing the Number of SEAMEN, SOLDIERS, and MARINES, admitted to their respective Hospi to the Service; also, the Number of Men in Garrison and Port, with

DISTRICT.	QUARTER ENDED	Number of Patients Admitted into Naval Hospital. Primary Sores and Gonorrhœa. Contracted in District.	Naval Hospital. Primary Sores and Gonorrhœa. Contracted Elsewhere.	Naval Hospital. Other Venereal Diseases.	Naval Hospital. Total.	Military Hospital. Primary Sores and Gonorrhœa. Contracted in District.	Military Hospital. Primary Sores and Gonorrhœa. Contracted Elsewhere.	Military Hospital. Other Venereal Diseases.	Military Hospital. Total.	Marine Infirmary. Primary Sores and Gonorrhœa. Contracted in District.	Marine Infirmary. Primary Sores and Gonorrhœa. Contracted Elsewhere.	Marine Infirmary. Other Venereal Diseases.	Marine Infirmary. Total.	Number of Patients Treated on Board Ships in Port. Primary Sores and Gonorrhœa. Contracted in District.	Number of Patients Treated on Board Ships in Port. Primary Sores and Gonorrhœa. Contracted Elsewhere.	Number of Patients Treated on Board Ships in Port. Other Venereal Diseases.	Number of Patients Treated on Board Ships in Port. Total.	Total Number of Patients Admitted
ABSTRACT	30 June 1868	222	45	36	303	812	423	352	1,587	240	60	51	351	71	57	14	142	2
	30 September 1868	130	79	95	304	1,260	369	413	2,042	287	103	101	491	196	126	62	384	3
	31 December 1868	144	36	82	262	1,022	278	322	1,622	149	59	85	293	113	66	49	228	2
	13 Weeks ended 2 April (1869)	68	51	68	187	924	315	308	1,547	150	53	63	266	124	74	28	226	2
		564	211	281	1,056	4,018	1,385	1,395	6,798	826	275	300	1,401	504	323	153	980	10
WOOLWICH	30 June 1868	–	–	–	–	96	95	69	260	38	41	16	95	–	–	–	–	
	30 September 1868	–	–	–		83	78	38	199	25	53	21	99	3	8	–	11	
	31 December 1868	–	–	–	–	83	65	39	187	13	34	6	53	2	2	–	4	
	13 Weeks ended 2 April (1869)	–	–	–	–	81	47	52	180	16	22	10	48	–	–	–	–	2
		–	–	–	–	343	285	198	826	92	150	53	295	5	10	–	15	1,1
ALDERSHOT	30 June 1868	–	–	–	–	198	231	177	606	–	–	–	–	–	–	–	–	6
	30 September 1868	–	–	–	–	431	120	191	742	–	–	–	–	–	–	–	–	7
	31 December 1868	–	–	–	–	371	75	123	569	–	–	–	–	–	–	–	–	5
	13 Weeks ended 2 April (1869)	–	–	–	–	309	86	133	528	–	–	–	–	–	–	–	–	5
		–	–	–	–	1,309	512	624	2,445	–	–	–	–	–	–	–	–	2,4
WINDSOR	30 June 1868	–	–	–	–	46	4	7	57	–	–	–	–	–	–	–	–	
	30 September 1868	–	–	–	–	29	44	22	95	–	–	–	–	–	–	–	–	
	31 December 1868	–	–	–	–	38	10	16	64	–	–	–	–	–	–	–	–	
	13 Weeks ended 2 April (1869)	–	–	–	–	22	24	4	50	–	–	–	–	–	–	–	–	
		–	–	–	–	135	82	49	266	–	–	–	–	–	–	–	–	2
SHORNCLIFFE	30 June 1868	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	30 September 1868	–	–	–	–	50	23	23	96	–	–	–	–	–	–	–	–	
	31 December 1868	–	–	–	–	37	28	21	86	–	–	–	–	–	–	–	–	
	13 Weeks ended 2 April (1869)	–	–	–	–	39	63	17	119	–	–	–	–	–	–	–	–	1
		–	–	–	–	126	114	61	301	–	–	–	–	–	–	–	–	3

ring from CONTAGIOUS DISEASES, the Number of Men constantly under Treatment, and Number of Days Lost centage of Men Diseased for the Four Quarters under-mentioned.

Average Number constantly under Treatment.					Number of Days Lost to the Service.				Average Number of Men in Garrison and Port.				Annual Ratio of Admissions per Cent. of Strength.	Annual Ratio of Men Admitted suffering from Primary Diseases who Contracted the same within the District.	Annual Ratio of Men constantly under Treatment in Hospital.
Naval Hospital.	Military Hospital.	Marine Infirmary.	Ships in Port.	TOTAL.	Seamen.	Soldiers.	Marines.	TOTAL.	Seamen.	Soldiers.	Marines.	TOTAL.			
156	326	90	15	587	15,051	29,666	8,190	52,871	14,711	29,623	6,968	51,302	18·58	10·48	1·14
153	517	106	53	829	13,673	45,832	15,226	74,731	17,625	31,314	6,595	55,534	23·20	13·49	1·49
143	425	77	39	689	11,641	39,566	11,929	63,136	15,040	29,006	6,253	50,299	19·12	11·35	1·36
157	435	66	27	685	12,290	38,615	10,479	61,384	13,893	31,800	6,325	52,018	17·11	9·73	1·31
153	426	85	33	697	52,619	153,679	45,824	252,122	15,317	30,436	6,535	52,288	19·59	11·30	1·33
–	69	44	–	113	–	6,279	4,004	10,283	688	4,895	1,430	7,013	20·25	7·64	1·61
–	60	39	1	100	1,036	5,549	2,747	9,332	772	4,017	984	5,773	21·41	7·69	1·79
–	51	30	1	82	549	4,674	2,194	7,417	614	4,276	1,010	5,900	16·54	6·64	1·38
–	56	21	–	77	365	5,176	1,539	7,080	672	4,250	1,013	5,935	15·37	6·54	1·29
–	59	34	–	93	1,950	21,678	10,484	34,112	687	4,359	1,109	6,155	18·45	7·14	1·51
–	61	–	–	61	–	5,551	–	5,551	–	12,776	–	12,776	18·97	6·19	0·47
–	179	–	–	179	–	16,310	–	16,310	–	13,822	–	13,822	21·47	12·47	1·29
–	136	–	–	136	–	13,356	–	13,356	–	10,455	–	10,455	21·77	14·19	1·30
–	137	–	–	137	–	12,467	–	12,467	–	11,004	–	11,004	19·19	11·23	1·24
–	128	–	–	128	–	47,684	–	47,684	–	12,014	–	12,014	20·35	10·89	1·06
–	11	–	–	11	–	1,001	–	1,001	–	981	–	981	23·26	18·77	1·12
–	21	–	–	21	–	1,942	–	1,942	–	882	–	882	43·18	13·18	2·38
–	24	–	–	34	–	2,274	–	2,274	–	1,090	–	1,090	23·52	13·97	2·20
–	13	–	–	13	–	1,209	–	1,209	–	1,043	–	1,043	19·23	8·46	1·24
–	17	–	–	17	–	6,426	–	6,426	–	999	–	999	26·62	13·51	1·70
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	44	–	–	44	–	2,792	–	2,792	–	2,115	–	2,115	27·27	14·20	2·08
–	22	–	–	22	–	2,083	–	2,083	–	2,008	–	2,008	17·13	7·37	1·09
–	30	–	–	30	–	2,730	–	2,730	–	2,336	–	2,336	20·37	6·67	1·28
–	32	–	–	32	–	7,650	–	7,605	–	2,153	–	2,153	20·97	8·78	1·48

RETURNS showing the Number of Seamen, Soldiers and Marines Admitted to their respective Hospita

DISTRICT.	QUARTER ENDED	Number of Patients Admitted into												Number of Patients Treated on Board Ships in Port.				Total Number of Patients Admitted
		Naval Hospital.				Military Hospital.				Marine Infirmary.								
		Primary Sores and Gonorrhœa.		Other Venereal Diseases.	TOTAL.	Primary Sores and Gonorrhœa.		Other Venereal Diseases.	TOTAL.	Primary Sores and Gonorrhœa.		Other Venereal Diseases.	TOTAL.	Primary Sores and Gonorrhœa.		Other Venereal Diseases.	TOTAL.	
		Contracted in District.	Contracted Elsewhere.			Contracted in District.	Contracted Elsewhere.			Contracted in District.	Contracted Elsewhere.			Contracted in District.	Contracted Elsewhere.			
COLCHESTER -	30 June 1868 -	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	30 September 1868	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	31 December 1868	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	13 Weeks ended 2 April (1869) -	–	–	–	–	42	24	14	80	–	–	–	–	–	–	–	–	
		–	–	–	–	42	24	14	80	–	–	–	–	–	–	–	–	
CHATHAM -	30 June 1868 -	–	–	–	–	164	32	44	240	48	8	2	58	–	–	–	–	2
	30 September 1868	–	–	–	–	172	44	52	268	55	5	3	63	–	–	–	–	3
	31 December 1868	–	–	–	–	106	50	54	210	24	9	1	34	–	–	–	–	2
	13 Weeks ended 2 April (1869) -	–	–	–	–	94	30	19	143	26	9	–	35	–	–	–	–	1
		–	–	–	–	536	156	169	861	153	31	6	190	–	–	–	–	1,0
SHEERNESS -	30 June 1868 -	–	–	–	–	15	9	5	29	–	–	–	–	10	29	1	40	
	30 September 1868	–	–	–	–	21	5	5	31	–	–	–	–	13	25	6	44	
	31 December 1868	–	–	–	–	9	17	3	29	–	–	–	–	13	30	2	45	
	13 Weeks ended 2 April (1869) -	–	–	–	–	20	14	9	43	–	–	–	–	18	29	2	49	9
		–	–	–	–	65	45	22	132	–	–	–	–	54	113	11	178	3
PORTSMOUTH -	30 June 1868 -	109	24	22	155	269	43	26	330	107	5	27	139	45	21	7	73	7
	30 September 1868	96	31	48	175	327	48	46	421	125	19	74	218	86	31	34	151	9
	31 December 1868	84	11	40	135	292	25	50	367	61	10	75	146	46	14	27	87	7
	13 Weeks ended 2 April (1869) -	68	21	31	120	200	21	43	264	62	6	49	117	41	19	17	77	5
		357	87	141	585	1,088	137	165	1,390	355	40	225	620	218	85	85	388	2,9
DEVONPORT -	30 June 1868 -	113	21	14	148	24	9	24	57	47	6	6	59	16	7	6	29	2
	30 September 1868	34	48	47	129	147	7	36	190	82	26	3	111	94	62	22	178	6
	31 December 1868	60	25	42	127	86	8	16	110	51	6	3	60	52	20	20	92	3
	13 Weeks ended 2 April (1869) -	–	30	37	67	117	6	17	140	46	16	4	66	65	26	9	100	3
		207	124	140	471	374	30	93	497	226	54	16	296	227	115	57	399	1,6

ing from Contagious Diseases, the Number of Men constantly under Treatment, &c.—*continued.*

Average Number constantly under Treatment.					Number of Days Lost to the Service.				Average Number of Men in Garrison and Port.				Annual Ratio of Admissions per Cent. of Strength.	Annual Ratio of Men Admitted suffering from Primary Diseases who Contracted the same within the District.	Annual Ratio of Men constantly under Treatment in Hospital.
Naval Hospital.	Military Hospital.	Marine Infirmary.	Ships in Port.	Total.	Seamen.	Soldiers.	Marines.	Total.	Seamen.	Soldiers.	Marines.	Total.			
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	33	–	–	33	–	1,831	–	1,831	–	1,876	–	1,876	25·64	13·46	1·75
–	33	–	–	33	–	1,831	–	1,831	–	1,876	–	1,876	25·64	13·46	1·75
–	55	18	–	73	–	5,005	1,638	6,643	–	2,911	1,397	4,308	27·68	19·66	1·64
–	66	18	–	84	–	5,783	1,786	7,569	–	3,085	1,264	4,349	30·45	20·88	1·93
–	51	15	–	66	–	4,650	1,324	5,974	–	3,082	1,159	4,241	23·01	12·26	1·55
–	43	17	–	60	–	3,885	1,587	5,472	–	3,334	1,283	4,617	15·39	10·38	1·29
–	53	17	–	70	–	19,323	6,335	25,658	–	3,103	1,275	4,378	24·00	15·73	1·59
–	6	–	4	10	364	546	–	910	1,635	593	289	2,517	10·96	3·97	0·39
–	7	–	7	14	597	686	109	1,392	1,692	476	313	2,481	12·09	5·48	0·56
–	8	–	7	15	561	716	123	1,400	1,221	573	265	2,059	14·39	4·28	0·72
–	11	–	7	18	548	1,068	80	1,696	1,228	665	183	2,076	17·72	7·32	0·86
–	8	–	6	14	2,070	3,016	312	5,398	1,444	576	263	2,283	13·57	5·21	0·61
119	81	12	5	217	11,284	7,371	1,092	19,747	6,286	4,835	2,725	13,846	20·36	15·31	1·56
108	91	29	23	251	5,943	8,211	8,764	22,918	7,342	4,425	2,628	14,395	26·82	17·62	1·74
97	96	18	13	224	4,183	8,409	7,000	19,592	6,290	4,996	2,385	13,671	21·51	14·13	1·63
93	67	14	14	188	5,007	6,154	5,999	17,160	6,045	4,740	2,364	13,149	17·58	11·28	1·42
104	84	18	14	220	26,417	30,145	22,855	79,417	6,491	4,749	2,525	13,765	21·67	14·66	1·59
37	43	16	6	102	3,367	3,913	1,456	8,736	6,102	2,632	1,127	9,861	11·88	8·11	1·03
45	49	20	22	136	6,097	4,459	1,820	12,376	7,819	2,492	1,406	11,717	20·75	12·18	1·16
51	37	14	18	120	6,348	3,404	1,288	11,040	6,915	2,526	1,434	10,875	14·31	9·16	1·10
64	45	14	6	129	6,370	4,095	1,274	11,739	5,948	2,542	1,482	9,972	14·96	9·14	1·29
49	43	16	13	121	22,182	15,871	5,838	43,891	6,696	2,548	1,362	10,606	15·67	9·74	1·14

(signed) *J. M. Mallalieu.*

WOOLWICH DISTRICT. - - - - - - -

RETURN showing the Number of SOLDIERS, SEAMEN, and MARINES, Admitted to their respective Number of Days Lost to the Service, with the Number of Men in Garrison

WEEK ENDED.	Number of Patients Admitted into Naval Hospital. Primary Sores and Gonorrhœa. Contracted in District.	Contracted Elsewhere.	Other Venereal Diseases.	Total.	Military Hospital. Primary Sores and Gonorrhœa. Contracted in District.	Contracted Elsewhere.	Other Venereal Diseases.	Total.	Marine Infirmary. Primary Sores and Gonorrhœa. Contracted in District.	Contracted Elsewhere.	Other Venereal Diseases.	Total.	Number of Patients treated on Board Ships in Port. Primary Sores and Gonorrhœa. Contracted in District.	Contracted Elsewhere.	Other Venereal Diseases.	Total.	Total Number of Patients Admitted to Hospital.
1868:																	
6 June	–	–	–	–	5	14	17	36	3	5	1	9	–	–	–	–	45
13 „	–	–	–	–	12	10	10	32	4	3	1	8	–	–	–	–	40
20 „	–	–	–	–	10	6	4	20	5	5	3	13	–	–	–	–	33
27 „	–	–	–	–	9	9	3	21	1	2	3	6	–	–	–	–	27
4 July	–	–	–	–	4	3	4	11	1	8	2	11	–	–	–	–	22
11 „	–	–	–	–	12	7	1	20	1	3	1	5	–	–	–	–	25
18 „	–	–	–	–	9	7	5	21	2	2	4	8	–	–	–	–	29
25 „	–	–	–	–	3	7	4	14	1	3	1	5	–	–	–	–	19
1 August	–	–	–	–	4	5	1	10	2	1	4	7	–	–	–	–	17
8 „	–	–	–	–	3	3	1	7	2	9	1	12	–	–	–	–	19
15 „	–	–	–	–	8	8	3	19	3	7	1	11	–	–	–	–	30
22 „	–	–	–	–	8	2	5	15	2	5	1	8	–	–	–	–	23
29 „	–	–	–	–	4	8	2	14	2	2	–	4	–	–	–	–	18
5 September	–	–	–	–	9	6	3	18	3	4	–	7	–	–	–	–	25
12 „	–	–	–	–	4	5	3	12	3	2	2	7	–	–	–	–	19
19 „	–	–	–	–	4	7	1	12	2	4	1	7	–	–	–	–	19
26 „	–	–	–	–	9	7	3	19	2	3	2	7	–	–	–	–	26
3 October	–	–	–	–	4	5	4	13	1	4	–	5	–	–	–	–	18
10 „	–	–	–	–	8	5	4	17	1	3	–	4	–	–	–	–	21
17 „	–	–	–	–	6	5	7	18	2	5	–	7	–	–	–	–	25
24 „	–	–	–	–	6	6	4	16	–	3	1	4	–	–	–	–	20
31 „	–	–	–	–	3	6	–	9	–	2	–	2	–	–	–	–	11
7 November	–	–	–	–	8	7	4	19	1	3	1	5	–	–	–	–	24
14 „	–	–	–	–	5	4	1	10	–	2	3	5	–	–	–	–	15
21 „	–	–	–	–	10	7	4	21	3	–	1	4	–	–	–	–	25
28 „	–	–	–	–	7	3	2	12	1	2	–	3	–	–	–	–	15
5 December	–	–	–	–	4	3	4	11	1	1	–	2	–	–	–	–	13
12 „	–	–	–	–	7	5	–	12	1	3	–	4	–	–	–	–	16
19 „	–	–	–	–	7	6	4	17	1	3	–	4	–	–	–	–	21
26 „	–	–	–	–	2	1	2	5	–	1	–	1	–	–	–	–	6
1869:																	
2 January	–	–	–	–	16	6	5	27	4	3	–	7	–	–	–	–	34
9 „	–	–	–	–	8	2	5	15	1	1	2	4	–	–	–	–	19
16 „	–	–	–	–	7	4	8	19	4	4	2	10	–	–	–	–	29
23 „	–	–	–	–	6	5	4	15	3	4	–	7	–	–	–	–	22
30 „	–	–	–	–	1	2	2	5	2	2	1	5	–	–	–	–	10
6 February	–	–	–	–	10	2	1	13	3	2	2	7	–	–	–	–	20
13 „	–	–	–	–	4	7	6	17	1	2	2	5	–	–	–	–	22
20 „	–	–	–	–	4	6	6	16	1	4	–	5	–	–	–	–	21
27 „	–	–	–	–	6	3	6	15	–	–	1	1	–	–	–	–	16
6 March	–	–	–	–	8	4	–	12	–	3	–	3	–	–	–	–	15
13 „	–	–	–	–	6	4	7	17	–	–	–	–	–	–	–	–	17
20 „	–	–	–	–	11	2	3	16	–	–	–	–	–	–	–	–	16
27 „	–	–	–	–	5	1	2	8	–	–	–	–	–	–	–	–	8
3 April	–	–	–	–	5	4	1	10	–	–	–	–	–	–	–	–	10
10 „	–	–	–	–	5	7	2	14	–	–	–	–	1	5	–	6	20
17 „	–	–	–	–	7	15	4	26	–	–	–	–	1	–	–	1	27
24 „	–	–	–	–	9	5	2	16	–	–	–	–	–	–	–	–	16
1 May	–	–	–	–	6	11	5	22	–	–	–	–	–	–	–	–	22
8 „	–	–	–	–	11	11	2	24	–	–	–	–	–	–	–	–	24
15 „	–	–	–	–	5	2	1	8	–	–	–	–	1	2	–	3	11
22 „	–	–	–	–	5	12	8	25	–	–	–	–	–	2	–	2	27
29 „	–	–	–	–	8	10	1	19	–	–	–	–	–	3	–	3	22

- - - - - - - WOOLWICH DISTRICT.

HOSPITALS Suffering from CONTAGIOUS DISEASES, the Number of Men constantly under Treatment, and and Port for each Week during the Year, June 1868 to May 1869, inclusive.

TOTAL Number Admitted who Contracted the Disease within the District.	Average Number constantly under Treatment.					Number of Days lost to the Service.				Number of Men in Garrison and Port.			
	Naval Hospital.	Military Hospital.	Marine Infirmary.	Ships in Port.	TOTAL.	Seamen.	Soldiers.	Marines.	TOTAL.	Seamen.	Soldiers.	Marines.	TOTAL.
8	- -	62	39	-	101	-	434	273	707	656	4,876	1,363	6,895
16	- -	80	40	-	120	-	559	280	839	656	4,876	1,363	6,895
15	- -	83	43	-	126	-	580	301	881	656	4,876	1,363	6,895
10	- -	79	40	-	119	-	555	280	835	656	4,876	1,363	6,895
5	- -	74	41	-	115	-	516	287	803	656	4,876	1,363	6,895
13	- -	75	34	-	109	-	529	238	767	905	4,421	1,276	6,602
11	- -	73	26	-	99	-	510	182	692	905	4,438	1,237	6,580
4	- -	65	37	-	102	-	456	259	715	905	4,199	1,247	6,351
6	- -	60	42	-	102	-	419	294	713	794	4,293	1,145	6,232
5	- -	46	43	-	89	-	324	301	625	794	3,867	1,130	5,791
11	- -	44	41	-	85	-	306	287	593	794	3,877	1,109	5,780
10	- -	55	42	-	97	-	386	294	680	794	4,052	917	5,763
6	- -	57	38	-	95	-	399	269	668	794	3,827	813	5,434
12	- -	62	37	-	99	-	431	262	693	619	3,887	815	5,321
7	- -	62	42	-	104	-	435	295	730	619	3,973	792	5,384
6	- -	56	43	-	99	-	395	297	692	619	3,922	799	5,340
11	- -	58	40	-	98	-	407	277	684	619	3,780	769	5,168
5	- -	64	34	-	98	-	450	238	688	537	3,789	748	5,074
9	- -	60	34	-	94	-	417	241	658	537	3,950	755	5,242
8	- -	49	37	-	86	-	347	258	605	537	4,144	1,053	5,734
6	- -	52	32	-	84	-	362	225	587	537	4,318	1,053	5,908
3	- -	48	28	-	76	-	337	197	534	537	4,154	1,082	5,773
9	- -	49	28	-	77	-	340	196	536	548	4,264	1,083	5,895
5	- -	48	26	-	74	-	334	183	517	548	4,211	1,071	5,839
13	- -	54	25	-	79	-	381	174	555	548	4,142	1,066	5,756
8	- -	57	26	-	83	-	398	186	584	548	4,242	1,060	5,850
5	- -	51	27	-	78	-	359	190	549	755	4,199	1,059	6,013
8	- -	48	30	-	78	-	338	206	544	755	4,275	1,046	6,076
8	- -	49	28	-	77	-	346	196	542	755	4,235	1,026	6,016
2	- -	43	26	-	69	-	300	182	482	755	4,233	909	5,897
20	- -	46	29	-	75	-	322	204	526	981	4,234	988	6,203
9	- -	60	30	-	90	-	421	212	633	981	4,782	1,009	6,772
11	- -	65	32	-	97	-	457	224	681	981	4,259	1,033	6,273
9	- -	70	31	-	101	-	489	215	704	981	4,234	1,066	6,281
3	- -	62	34	-	96	-	438	235	673	981	4,229	1,067	6,267
13	- -	52	30	-	82	-	366	211	577	536	4,211	1,085	5,832
5	- -	49	26	-	75	-	341	186	527	536	4,242	1,064	5,842
5	- -	50	25	-	75	-	353	172	525	400	4,238	1,083	5,721
6	- -	51	20	-	71	-	356	143	499	636	4,259	743	5,638
8	- -	49	17	-	66	-	343	121	464	534	4,260	-	5,337
6	- -	56	13	-	69	-	394	90	484	588	4,057	-	4,794
11	- -	61	5	-	66	-	428	36	464	516	4,095	-	4,611
5	- -	54	- -	-	54	-	381	-	381	515	4,128	-	4,643
5	- -	49	- -	-	49	-	342	-	342	551	4,468	-	5,019
6	- -	51	- -	3	54	21	359	-	380	476	4,449	-	4,925
8	- -	59	- -	3	62	21	412	-	433	392	4,461	-	4,853
9	- -	63	- -	1	64	7	438	-	445	423	4,496	-	4,919
6	- -	64	- -	1	65	7	450	-	457	599	4,730	-	5,329
11	- -	75	- -	1	76	7	525	-	532	485	4,535	-	5,020
6	- -	75	- -	4	79	28	522	-	550	331	4,440	-	4,771
5	- -	68	- -	2	70	14	475	-	489	246	4,930	-	5,176
8	- -	79	- -	3	82	21	554	-	575	320	4,912	-	5,232

ALDERSHOT DISTRICT. - - - - - -

RETURN showing the Number of SOLDIERS, SEAMEN, and MARINES, Admitted to their respective Number of Days Lost to the Service, with the Number of Men in Garrison

WEEK ENDED.	Number of Patients Admitted into Naval Hospital.				Military Hospital.				Marine Infirmary.				Number of Patients treated on Board Ships in Port.				TOTAL Number of Patients Admitted to Hospital.
	Primary Sores and Gonorrhœa.		Other Venereal Diseases.	TOTAL.	Primary Sores and Gonorrhœa.		Other Venereal Diseases.	TOTAL.	Primary Sores and Gonorrhœa.		Other Venereal Diseases.	TOTAL.	Primary Sores and Gonorrhœa.		Other Venereal Diseases.	TOTAL.	
	Contracted in District.	Contracted Elsewhere.			Contracted in District.	Contracted Elsewhere.			Contracted in District.	Contracted Elsewhere.			Contracted in District.	Contracted Elsewhere.			
1868:																	
5 June	–	–	–	–	7	36	15	58	–	–	–	–	–	–	–	–	58
12 „	–	–	–	–	24	24	18	66	–	–	–	–	–	–	–	–	66
19 „	–	–	–	–	16	14	21	51	–	–	–	–	–	–	–	–	51
26 „	–	–	–	–	17	43	32	92	–	–	–	–	–	–	–	–	92
3 July	–	–	–	–	25	13	25	63	–	–	–	–	–	–	–	–	63
10 „	–	–	–	–	24	17	21	62	–	–	–	–	–	–	–	–	62
17 „	–	–	–	–	43	26	14	83	–	–	–	–	–	–	–	–	83
24 „	–	–	–	–	33	16	11	60	–	–	–	–	–	–	–	–	60
31 „	–	–	–	–	33	6	11	50	–	–	–	–	–	–	–	–	50
7 August	–	–	–	–	38	4	13	55	–	–	–	–	–	–	–	–	55
14 „	–	–	–	–	32	5	13	50	–	–	–	–	–	–	–	–	50
21 „	–	–	–	–	39	7	13	59	–	–	–	–	–	–	–	–	59
28 „	–	–	–	–	33	3	21	57	–	–	–	–	–	–	–	–	57
4 September	–	–	–	–	28	6	14	48	–	–	–	–	–	–	–	–	48
11 „	–	–	–	–	41	5	9	55	–	–	–	–	–	–	–	–	55
18 „	–	–	–	–	31	1	13	45	–	–	–	–	–	–	–	–	45
25 „	–	–	–	–	31	11	13	55	–	–	–	–	–	–	–	–	55
2 October	–	–	–	–	23	3	7	33	–	–	–	–	–	–	–	–	33
9 „	–	–	–	–	29	3	13	45	–	–	–	–	–	–	–	–	45
16 „	–	–	–	–	25	3	9	37	–	–	–	–	–	–	–	–	37
23 „	–	–	–	–	25	1	13	39	–	–	–	–	–	–	–	–	39
30 „	–	–	–	–	19	2	9	30	–	–	–	–	–	–	–	–	30
6 November	–	–	–	–	36	1	8	45	–	–	–	–	–	–	–	–	45
13 „	–	–	–	–	22	1	8	31	–	–	–	–	–	–	–	–	31
20 „	–	–	–	–	28	25	14	67	–	–	–	–	–	–	–	–	67
27 „	–	–	–	–	24	3	11	38	–	–	–	–	–	–	–	–	38
4 December	–	–	–	–	20	10	8	38	–	–	–	–	–	–	–	–	38
11 „	–	–	–	–	25	4	4	33	–	–	–	–	–	–	–	–	33
18 „	–	–	–	–	31	7	6	44	–	–	–	–	–	–	–	–	44
25 „	–	–	–	–	19	2	6	27	–	–	–	–	–	–	–	–	27
1869:																	
1 January	–	–	–	–	45	10	7	62	–	–	–	–	–	–	–	–	62
8 „	–	–	–	–	38	4	12	54	–	–	–	–	–	–	–	–	54
15 „	–	–	–	–	31	7	16	54	–	–	–	–	–	–	–	–	54
22 „	–	–	–	–	26	5	14	45	–	–	–	–	–	–	–	–	45
29 „	–	–	–	–	23	7	4	34	–	–	–	–	–	–	–	–	34
5 February	–	–	–	–	22	8	7	37	–	–	–	–	–	–	–	–	37
12 „	–	–	–	–	30	6	6	42	–	–	–	–	–	–	–	–	42
19 „	–	–	–	–	24	6	12	42	–	–	–	–	–	–	–	–	42
26 „	–	–	–	–	19	1	17	37	–	–	–	–	–	–	–	–	37
5 March	–	–	–	–	15	6	10	31	–	–	–	–	–	–	–	–	31
12 „	–	–	–	–	14	2	7	23	–	–	–	–	–	–	–	–	23
19 „	–	–	–	–	31	7	12	50	–	–	–	–	–	–	–	–	50
26 „	–	–	–	–	15	4	7	26	–	–	–	–	–	–	–	–	26
2 April	–	–	–	–	21	23	9	53	–	–	–	–	–	–	–	–	53
9 „	–	–	–	–	22	9	10	41	–	–	–	–	–	–	–	–	41
16 „	–	–	–	–	14	22	18	54	–	–	–	–	–	–	–	–	54
23 „	–	–	–	–	17	11	8	36	–	–	–	–	–	–	–	–	36
30 „	–	–	–	–	22	10	6	38	–	–	–	–	–	–	–	–	38
7 May	–	–	–	–	29	7	17	53	–	–	–	–	–	–	–	–	53
14 „	–	–	–	–	28	6	8	42	–	–	–	–	–	–	–	–	42
21 „	–	–	–	–	16	6	10	32	–	–	–	–	–	–	–	–	32
28 „	–	–	–	–	20	37	7	64	–	–	–	–	–	–	–	–	64

ALDERSHOT DISTRICT.

OSPITALS Suffering from CONTAGIOUS DISEASES, the Number of Men constantly under Treatment, and d Port for each Week during the Year, June 1868 to May 1869, inclusive.

Total Number admitted who ontracted the Disease thin the District.	Average Number constantly under Treatment.					Number of Days lost to the Service.				Number of Men in Garrison and Port.			
	Marine Infirmary.	Naval Hospital.	Military Hospital.	Ships in Port.	Total.	Seamen.	Soldiers.	Marines.	Total.	Seamen.	Soldiers.	Marines.	Total.
7	- -	155	- -	-	155	-	1,085	-	1,085	-	13,138	-	13,188
24	- -	171	- -	-	171	-	1,197	-	1,197	-	13,141	-	13,141
16	- -	160	- -	-	160	-	1,120	-	1,120	-	13,213	-	13,213
17	- -	178	- -	-	178	-	1,246	-	1,246	-	14,606	-	14,606
25	- -	190	- -	-	190	-	1,330	-	1,330	-	15,912	-	15,912
24	- -	173	- -	-	173	-	1,211	-	1,211	-	15,694	-	15,694
43	- -	188	- -	-	188	-	1,316	-	1,316	-	16,136	-	16,136
33	- -	210	- -	-	210	-	1,470	-	1,470	-	15,769	-	15,769
33	- -	198	- -	-	198	-	1,386	-	1,386	-	15,746	-	15,746
38	- -	188	- -	-	188	-	1,316	-	1,316	-	15,331	-	15,331
32	- -	178	- -	-	178	-	1,246	-	1,246	-	12,970	-	12,970
39	- -	171	- -	-	171	-	1,197	-	1,197	-	12,966	-	12,966
33	- -	175	- -	-	175	-	1,225	-	1,225	-	12,981	-	12,981
28	- -	174	- -	-	174	-	1,218	-	1,218	-	12,316	-	12,316
41	- -	167	- -	-	167	-	1,169	-	1,169	-	12,228	-	12,228
31	- -	165	- -	-	165	-	1,155	-	1,155	-	10,817	-	10,817
31	- -	153	- -	-	153	-	1,071	-	1,071	-	10,825	-	10,825
23	- -	151	- -	-	151	-	1,057	-	1,057	-	10,111	-	10,111
29	- -	142	- -	-	142	-	994	-	994	-	10,094	-	10,094
25	- -	139	- -	-	139	-	973	-	973	-	10,106	-	10,106
25	- -	132	- -	-	132	-	924	-	924	-	10,118	-	10,118
19	- -	127	- -	-	127	-	889	-	889	-	10,116	-	10,116
36	- -	128	- -	-	128	-	896	-	896	-	10,112	-	10,112
22	- -	136	- -	-	136	-	952	-	952	-	10,101	-	10,101
28	- -	153	- -	-	153	-	1,071	-	1,071	-	10,784	-	10,784
24	- -	142	- -	-	142	-	994	-	994	-	10,781	-	10,781
20	- -	143	- -	-	143	-	1,001	-	1,001	-	10,790	-	10,790
25	- -	128	- -	-	128	-	896	-	896	-	10,788	-	10,788
31	- -	124	- -	-	124	-	868	-	868	-	10,817	-	10,817
19	- -	129	- -	-	129	-	903	-	903	-	10,827	-	10,827
45	- -	134	- -	-	134	-	938	-	938	-	10,825	-	10,825
38	- -	165	- -	-	165	-	1,155	-	1,155	-	10,805	-	10,805
31	- -	157	- -	-	157	-	1,099	-	1,099	-	10,802	-	10,802
26	- -	166	- -	-	166	-	1,162	-	1,162	-	10,809	-	10,809
23	- -	154	- -	-	154	-	1,078	-	1,078	-	10,816	-	10,816
22	- -	136	- -	-	136	-	952	-	952	-	10,765	-	10,765
30	- -	134	- -	-	134	-	938	-	938	-	10,703	-	10,703
24	- -	134	- -	-	134	-	938	-	938	-	10,705	-	10,705
19	- -	136	- -	-	136	-	952	-	952	-	10,708	-	10,708
15	- -	124	- -	-	124	-	868	-	868	-	11,465	-	11,465
14	- -	118	- -	-	118	-	826	-	826	-	11,434	-	11,434
31	- -	114	- -	-	114	-	798	-	798	-	11,217	-	11,217
15	- -	113	- -	-	113	-	791	-	791	-	11,469	-	11,469
21	- -	130	- -	-	130	-	910	-	910	-	11,359	-	11,359
22	- -	122	- -	-	122	-	854	-	854	-	11,387	-	11,387
14	- -	112	- -	-	112	-	784	-	784	-	12,303	-	12,303
17	- -	127	- -	-	127	-	889	-	889	-	13,078	-	13,078
22	- -	130	- -	-	130	-	910	-	910	-	13,301	-	13,301
29	- -	135	- -	-	135	-	945	-	945	-	13,704	-	13,704
28	- -	149	- -	-	149	-	1,043	-	1,043	-	12,240	-	12,240
16	- -	145	- -	-	145	-	1,015	-	1,015	-	12,229	-	12,229
20	- -	143	- -	-	143	-	1,001	-	1,001	-	16,229	-	16,229

WINDSOR DISTRICT. - - - - - -

RETURN showing the Number of SOLDIERS, SEAMEN, and MARINES, Admitted to their respectiv
Number of Days Lost to the Service, with the Number of Men in Garriso

WEEK ENDED	Number of Patients Admitted into Naval Hospital. Primary Sores and Gonorrhœa. Contracted in District.	Naval Hospital. Primary Sores and Gonorrhœa. Contracted Elsewhere.	Naval Hospital. Other Venereal Diseases.	Naval Hospital. Total.	Military Hospital. Primary Sores and Gonorrhœa. Contracted in District.	Military Hospital. Primary Sores and Gonorrhœa. Contracted Elsewhere.	Military Hospital. Other Venereal Diseases.	Military Hospital. Total.	Marine Infirmary. Primary Sores and Gonorrhœa. Contracted in District.	Marine Infirmary. Primary Sores and Gonorrhœa. Contracted Elsewhere.	Marine Infirmary. Other Venereal Diseases.	Marine Infirmary. Total.	Number of Patients Treated on Board Ships in Port. Primary Sores and Gonorrhœa. Contracted in District.	Number of Patients Treated on Board Ships in Port. Primary Sores and Gonorrhœa. Contracted Elsewhere.	Number of Patients Treated on Board Ships in Port. Other Venereal Diseases	Number of Patients Treated on Board Ships in Port. Total.	Total Number of Patients Admitted to Hospital
1868:																	
5 June	–	–	–	–	3	–	–	3	–	–	–	–	–	–	–	–	3
12 „	–	–	–	–	8	1	–	9	–	–	–	–	–	–	–	–	9
19 „	–	–	–	–	3	–	1	4	–	–	–	–	–	–	–	–	4
26 „	–	–	–	–	5	–	–	5	–	–	–	–	–	–	–	–	5
3 July	–	–	–	–	1	1	–	2	–	–	–	–	–	–	–	–	2
10 „	–	–	–	–	3	4	2	9	–	–	–	–	–	–	–	–	9
17 „	–	–	–	–	2	–	–	2	–	–	–	–	–	–	–	–	2
24 „	–	–	–	–	1	2	–	3	–	–	–	–	–	–	–	–	3
31 „	–	–	–	–	6	–	–	6	–	–	–	–	–	–	–	–	6
7 August	–	–	–	–	2	4	1	7	–	–	–	–	–	–	–	–	7
14 „	–	–	–	–	5	4	–	9	–	–	–	–	–	–	–	–	9
21 „	–	–	–	–	1	1	–	2	–	–	–	–	–	–	–	–	2
28 „	–	–	–	–	3	–	1	4	–	–	–	–	–	–	–	–	4
4 September	–	–	–	–	–	20	7	27	–	–	–	–	–	–	–	–	27
11 „	–	–	–	–	–	2	4	6	–	–	–	–	–	–	–	–	6
18 „	–	–	–	–	3	5	5	13	–	–	–	–	–	–	–	–	13
25 „	–	–	–	–	2	1	2	5	–	–	–	–	–	–	–	–	5
2 October	–	–	–	–	2	2	3	7	–	–	–	–	–	–	–	–	7
9 „	–	–	–	–	1	2	1	4	–	–	–	–	–	–	–	–	4
16 „	–	–	–	–	5	1	2	8	–	–	–	–	–	–	–	–	8
23 „	–	–	–	–	1	–	1	2	–	–	–	–	–	–	–	–	2
30 „	–	–	–	–	1	–	2	3	–	–	–	–	–	–	–	–	3
6 November	–	–	–	–	2	1	1	4	–	–	–	–	–	–	–	–	4
13 „	–	–	–	–	4	–	1	5	–	–	–	–	–	–	–	–	5
20 „	–	–	–	–	2	–	1	3	–	–	–	–	–	–	–	–	3
27 „	–	–	–	–	2	–	2	4	–	–	–	–	–	–	–	–	4
4 December	–	–	–	–	3	1	–	4	–	–	–	–	–	–	–	–	4
11 „	–	–	–	–	10	1	1	12	–	–	–	–	–	–	–	–	12
18 „	–	–	–	–	4	–	–	4	–	–	–	–	–	–	–	–	4
25 „	–	–	–	–	–	–	1	1	–	–	–	–	–	–	–	–	1
1869:																	
1 January	–	–	–	–	1	2	–	3	–	–	–	–	–	–	–	–	3
8 „	–	–	–	–	5	2	1	8	–	–	–	–	–	–	–	–	8
15 „	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
22 „	–	–	–	–	1	1	–	2	–	–	–	–	–	–	–	–	2
29 „	–	–	–	–	3	3	–	6	–	–	–	–	–	–	–	–	6
5 February	–	–	–	–	–	1	1	2	–	–	–	–	–	–	–	–	2
12 „	–	–	–	–	2	3	1	6	–	–	–	–	–	–	–	–	6
19 „	–	–	–	–	3	1	–	4	–	–	–	–	–	–	–	–	4
26 „	–	–	–	–	4	–	1	5	–	–	–	–	–	–	–	–	5
5 March	–	–	–	–	–	2	–	2	–	–	–	–	–	–	–	–	2
12 „	–	–	–	–	1	4	–	5	–	–	–	–	–	–	–	–	5
19 „	–	–	–	–	1	4	–	5	–	–	–	–	–	–	–	–	5
26 „	–	–	–	–	2	1	–	3	–	–	–	–	–	–	–	–	3
2 April	–	–	–	–	–	2	–	2	–	–	–	–	–	–	–	–	2
9 „	–	–	–	–	–	2	–	2	–	–	–	–	–	–	–	–	2
16 „	–	–	–	–	1	1	–	2	–	–	–	–	–	–	–	–	2
23 „	–	–	–	–	1	–	–	1	–	–	–	–	–	–	–	–	1
30 „	–	–	–	–	1	–	–	1	–	–	–	–	–	–	–	–	1
7 May	–	–	–	–	1	–	–	1	–	–	–	–	–	–	–	–	1
14 „	–	–	–	–	–	–	–	1	–	–	–	–	–	–	–	–	1
21 „	–	–	–	–	1	1	–	1	–	–	–	–	–	–	–	–	1
28 „	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–

- - - - - - - WINDSOR DISTRICT.

SPITALS Suffering from CONTAGIOUS DISEASES, the Number of Men constantly under Treatment, and Port for each Week during the Year, June 1868 to May 1869, inclusive.

TAL ber itted to acted e ease n the rict.	Average Number constantly under Treatment.					Number of Days lost to the Service.				Number of Men in Garrison and Port.			
	Naval Hospital.	Military Hospital.	Marine Infirmary.	Ships in Port.	TOTAL.	Seamen.	Soldiers.	Marines.	TOTAL.	Seamen.	Soldiers.	Marines.	TOTAL.
3	- -	11	- -	-	11	-	77	-	77	-	980	-	980
3	- -	15	- -	-	15	-	105	-	105	-	989	-	989
3	- -	15	- -	-	15	-	105	-	105	-	959	-	959
5	- -	16	- -	-	16	-	112	-	112	-	956	-	956
1	- -	13	- -	-	13	-	91	-	91	-	556	-	556
3	- -	18	- -	-	18	-	126	-	126	-	556	-	556
2	- -	14	- -	-	14	-	98	-	98	-	501	-	501
1	- -	14	- -	-	14	-	98	-	98	-	647	-	647
6	- -	15	- -	-	15	-	105	-	105	-	671	-	671
2	- -	17	- -	-	17	-	119	-	119	-	1,066	-	1,066
5	- -	19	- -	-	19	-	133	-	133	-	1,066	-	1,066
1	- -	17	- -	-	17	-	119	-	119	-	1,002	-	1,002
3	- -	13	- -	-	13	-	91	-	91	-	1,045	-	1,045
-	- -	38	- -	-	38	-	266	-	266	-	1,086	-	1,086
-	- -	36	- -	-	36	-	252	-	252	-	1,087	-	1,087
3	- -	34	- -	-	34	-	238	-	238	-	1,089	-	1,089
2	- -	35	- -	-	35	-	245	-	245	-	1,095	-	1,095
2	- -	34	- -	-	34	-	238	-	238	-	1,102	-	1,102
1	- -	31	- -	-	31	-	217	-	217	-	1,122	-	1,122
5	- -	27	- -	-	27	-	189	-	189	-	1,116	-	1,116
1	- -	26	- -	-	26	-	182	-	182	-	1,121	-	1,121
1	- -	20	- -	-	20	-	140	-	140	-	1,132	-	1,132
2	- -	19	- -	-	19	-	133	-	133	-	1,100	-	1,100
4	- -	17	- -	-	17	-	119	-	119	-	1,087	-	1,087
2	- -	17	- -	-	17	-	119	-	119	-	1,103	-	1,103
2	- -	16	- -	-	16	-	112	-	112	-	1,077	-	1,077
3	- -	16	- -	-	16	-	112	-	112	-	1,074	-	1,074
0	- -	21	- -	-	21	-	147	-	147	-	1,069	-	1,069
4	- -	27	- -	-	27	-	189	-	189	-	1,068	-	1,068
-	- -	24	- -	-	24	-	168	-	168	-	1,054	-	1,054
1	- -	25	- -	-	25	-	175	-	175	-	1,033	-	1,033
5	- -	24	- -	-	24	-	168	-	168	-	1,035	-	1,035
-	- -	18	- -	-	18	-	126	-	126	-	1,041	-	1,041
1	- -	11	- -	-	11	-	77	-	77	-	1,043	-	1,043
8	- -	12	- -	-	12	-	84	-	84	-	1,046	-	1,046
-	- -	13	- -	-	13	-	91	-	91	-	1,076	-	1,076
9	- -	12	- -	-	12	-	84	-	84	-	1,084	-	1,084
8	- -	14	- -	-	14	-	98	-	98	-	1,102	-	1,102
1	- -	16	- -	-	16	-	112	-	112	-	1,107	-	1,107
-	- -	8	- -	-	8	-	56	-	56	-	1,035	-	1,035
.	- -	9	- -	-	9	-	63	-	63	-	1,076	-	1,076
.	- -	14	- -	-	14	-	98	-	98	-	1,038	-	1,038
:	- -	13	- -	-	13	-	91	-	91	-	891	-	891
-	- -	10	- -	-	10	-	70	-	70	-	987	-	987
-	- -	12	- -	-	12	-	84	-	84	-	985	-	985
	- -	11	- -	-	11	-	77	-	77	-	970	-	970
	- -	10	- -	-	10	-	70	-	70	-	978	-	978
	- -	9	- -	-	9	-	63	-	63	-	981	-	981
	- -	9	- -	-	9	-	63	-	63	-	996	-	996
	- -	8	- -	-	8	-	56	-	56	-	978	-	978
-	- -	6	- -	-	6	-	42	-	42	-	973	-	973
-	- -	5	- -	-	5	-	35	-	35	-	975	-	975

SHORNCLIFFE DISTRICT. - - - - -

RETURN showing the Number of SOLDIERS, SEAMEN, and MARINES Admitted, to their respect
Number of Days Lost to the Service, with the Number of Men in Garri

WEEK ENDED	Number of Patients Admitted into												Number of Patients Treated on Board Ships in Port.				Tot. Numb Patie Admitt Hosp
	Naval Hospital.				Military Hospital.				Marine Infirmary.								
	Primary Sores and Gonorrhœa.		Other Venereal Diseases.	Total.	Primary Sores and Gonorrhœa.		Other Venereal Diseases.	Total.	Primary Sores and Gonorrhœa.		Other Venereal Diseases.	Total.	Primary Sores and Gonorrhœa.		Other Venereal Diseases.	Total.	
	Contracted in District.	Contracted elsewhere.			Contracted in District.	Contracted elsewhere.			Contracted in District.	Contracted elsewhere.			Contracted in District.	Contracted elsewhere.			
1868:																	
6 June	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
13 „	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
20 „	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
27 „	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
4 July	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
11 „	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
18 „	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
25 „	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1 August	–	–	–	–	7	4	4	15	–	–	–	–	–	–	–	–	1
8 „	–	–	–	–	9	–	4	13	–	–	–	–	–	–	–	–	1
15 „	–	–	–	–	7	3	5	15	–	–	–	–	–	–	–	–	1
22 „	–	–	–	–	5	4	3	12	–	–	–	–	–	–	–	–	1
29 „	–	–	–	–	5	–	2	7	–	–	–	–	–	–	–	–	
5 September	–	–	–	–	5	4	1	10	–	–	–	–	–	–	–	–	1
12 „	–	–	–	–	6	3	–	9	–	–	–	–	–	–	–	–	
19 „	–	–	–	–	3	2	2	7	–	–	–	–	–	–	–	–	
26 „	–	–	–	–	3	3	2	8	–	–	–	–	–	–	–	–	
3 October	–	–	–	–	3	1	–	4	–	–	–	–	–	–	–	–	
10 „	–	–	–	–	3	4	2	9	–	–	–	–	–	–	–	–	
17 „	–	–	–	–	1	2	–	3	–	–	–	–	–	–	–	–	
24 „	–	–	–	–	6	6	3	15	–	–	–	–	–	–	–	–	1
31 „	–	–	–	–	1	2	3	6	–	–	–	–	–	–	–	–	
7 November	–	–	–	–	–	1	2	3	–	–	–	–	–	–	–	–	
14 „	–	–	–	–	3	5	2	10	–	–	–	–	–	–	–	–	
21 „	–	–	–	–	6	2	1	9	–	–	–	–	–	–	–	–	
28 „	–	–	–	–	5	1	4	10	–	–	–	–	–	–	–	–	
5 December	–	–	–	–	3	2	2	7	–	–	–	–	–	–	–	–	
12 „	–	–	–	–	3	–	2	5	–	–	–	–	–	–	–	–	
19 „	–	–	–	–	–	1	1	2	–	–	–	–	–	–	–	–	
26 „	–	–	–	–	2	1	–	3	–	–	–	–	–	–	–	–	
1869:																	
2 January	–	–	–	–	6	–	2	8	–	–	–	–	–	–	–	–	
9 „	–	–	–	–	2	1	1	4	–	–	–	–	–	–	–	–	
16 „	–	–	–	–	4	1	2	7	–	–	–	–	–	–	–	–	
23 „	–	–	–	–	4	1	3	8	–	–	–	–	–	–	–	–	
30 „	–	–	–	–	4	1	3	8	–	–	–	–	–	–	–	–	
6 February	–	–	–	–	3	1	–	4	–	–	–	–	–	–	–	–	
13 „	–	–	–	–	2	7	2	11	–	–	–	–	–	–	–	–	
20 „	–	–	–	–	3	5	3	11	–	–	–	–	–	–	–	–	
27 „	–	–	–	–	5	8	1	14	–	–	–	–	–	–	–	–	
6 March	–	–	–	–	3	6	–	9	–	–	–	–	–	–	–	–	
13 „	–	–	–	–	1	6	1	8	–	–	–	–	–	–	–	–	
20 „	–	–	–	–	2	10	–	12	–	–	–	–	–	–	–	–	
27 „	–	–	–	–	1	7	1	9	–	–	–	–	–	–	–	–	
3 April	–	–	–	–	3	9	–	12	–	–	–	–	–	–	–	–	
10 „	–	–	–	–	5	6	1	12	–	–	–	–	–	–	–	–	
17 „	–	–	–	–	–	5	–	5	–	–	–	–	–	–	–	–	
24 „	–	–	–	–	6	2	–	8	–	–	–	–	–	–	–	–	
1 May	–	–	–	–	5	2	–	7	–	–	–	–	–	–	–	–	
8 „	–	–	–	–	2	3	–	5	–	–	–	–	–	–	–	–	
15 „	–	–	–	–	3	6	–	9	–	–	–	–	–	–	–	–	
22 „	–	–	–	–	6	2	1	9	–	–	–	–	–	–	–	–	
29 „	–	–	–	–	4	5	–	9	–	–	–	–	–	–	–	–	

SHORNCLIFFE DISTRICT.

SPITALS suffering from CONTAGIOUS DISEASES, the Number of Men constantly under Treatment, and Port, for each Week during the Year, June 1868 to May 1869, inclusive.

Average Number constantly under Treatment.					Number of Days Lost to the Service.				Number of Men in Garrison and Port.			
Naval Hospitals.	Military Hospital.	Marine Infirmary.	Ships in Port.	TOTAL.	Seamen.	Soldiers.	Marines.	TOTAL.	Seamen.	Soldiers.	Marines.	TOTAL.
- -	-	- -	-	-	-	-	-	-	-	-	-	-
- -	-	- -	-	-	-	-	-	-	-	-	-	-
- -	-	- -	-	-	-	-	-	-	-	-	-	-
- -	-	- -	-	-	-	-	-	-	-	-	-	-
- -	-	- -	-	-	-	-	-	-	-	-	-	-
- -	-	- -	-	-	-	-	-	-	-	-	-	-
- -	-	- -	-	-	-	-	-	-	-	-	-	-
- -	-	- -	-	-	-	-	-	-	-	-	-	-
- -	52	- -	-	52	-	367	-	367	-	2,200	-	2,200
- -	50	- -	-	50	-	347	-	347	-	1,892	-	1,892
- -	52	- -	-	52	-	361	-	361	-	1,911	-	1,911
- -	47	- -	-	47	-	330	-	330	-	2,020	-	2,020
- -	46	- -	-	46	-	325	-	325	-	2,199	-	2,199
- -	40	- -	-	40	-	278	-	278	-	2,188	-	2,188
- -	39	- -	-	39	-	275	-	275	-	2,271	-	2,271
- -	37	- -	-	37	-	257	-	257	-	2,090	-	2,090
- -	36	- -	-	36	-	252	-	252	-	2,088	-	2,088
- -	30	- -	-	30	-	212	-	212	-	2,010	-	2,010
- -	32	- -	-	32	-	222	-	222	-	2,056	-	2,056
- -	17	- -	-	17	-	118	-	118	-	1,812	-	1,812
- -	20	- -	-	20	-	139	-	139	-	1,840	-	1,840
- -	25	- -	-	25	-	172	-	172	-	1,840	-	1,840
- -	21	- -	-	21	-	149	-	149	-	1,821	-	1,821
- -	22	- -	-	22	-	151	-	151	-	2,175	-	2,175
- -	25	- -	-	25	-	176	-	176	-	2,167	-	2,167
- -	21	- -	-	21	-	150	-	150	-	2,114	-	2,114
- -	23	- -	-	23	-	158	-	158	-	2,095	-	2,095
- -	22	- -	-	22	-	157	-	157	-	2,074	-	2,074
- -	20	- -	-	20	-	141	-	141	-	2,082	-	2,082
- -	20	- -	-	20	-	138	-	138	-	2,026	-	2,026
- -	23	- -	-	23	-	163	-	163	-	2,122		2,122
- -	23	- -	-	23	-	159	-	159	-	2,142	-	2,142
- -	23	- -	-	23	-	160	-	160	-	2,138	-	2,138
- -	25	- -	-	25	-	177	-	177	-	2,125	-	2,125
- -	23	- -	-	23	-	164	-	164	-	2,121	-	2,121
- -	24	- -	-	24	-	165	-	165	-	2,096	-	2,096
- -	26	- -	-	26	-	183	-	183	-	2,104	-	2,104
- -	27	- -	-	27	-	188	-	188	-	2,131	-	2,131
- -	34	- -	-	34	-	238	-	238	-	2,292	-	2,292
- -	33	- -	-	33	-	232	-	232	-	2,230	-	2,230
- -	31	- -	-	31	-	220	-	220	-	2,600	-	2,600
- -	40	- -	-	40	-	277	-	277	-	2,775	-	2,775
- -	38	- -	-	38	-	265	-	265	-	2,863	-	2,863
- -	42	- -	-	42	-	295	-	295	-	2,758	-	2,758
- -	42	- -	-	42	-	292	-	292	-	2,778	-	2,778
- -	40	- -	-	40	-	281	-	281	-	2,493	-	2,493
- -	37	- -	-	37	-	260	-	260	-	2,459	-	2,459
- -	32	- -	-	32	-	223	-	223	-	2,458	-	2,458
- -	31	- -	-	31	-	216	-	216	-	2,476	-	2,476
- -	27	- -	-	27	-	188	-	188	-	2,449	-	2,449
- -	26	- -	-	26	-	181	-	181	-	2,370	-	2,370
- -	30	- -	-	30	-	209	-	209	-	2,406	-	2,406

COLCHESTER DISTRICT.

RETURN showing the Number of SOLDIERS, SEAMEN, and MARINES, Admitted to their respect
Number of Days Lost to the Service, with the Number of Men in Garris

WEEK ENDED	Number of Patients Admitted into												Number of Patients Treated on Board Ships in Port.				Tot. Numb Patie Admitt Hosp
	Naval Hospital.				Military Hospital.				Marine Infirmary.								
	Primary Sores and Gonorrhœa.		Other Venereal Diseases.	TOTAL.	Primary Sores and Gonorrhœa.		Other Venereal Diseases.	TOTAL.	Primary Sores and Gonorrhœa.		Other Venereal Diseases.	TOTAL.	Primary Sores and Gonorrhœa.		Other Venereal Diseases.	TOTAL.	
	Contracted in District.	Contracted elsewhere.			Contracted in District.	Contracted elsewhere.			Contracted in District.	Contracted elsewhere.			Contracted in District.	Contracted elsewhere.			
1868:																	
6 June	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
13 „	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
20 „	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
27 „	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
4 July	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
11 „	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
18 „	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
25 „	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
1 August	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
8 „	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
15 „	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
22 „	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
29 „	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
5 September	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
12 „	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
19 „	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
26 „	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
3 October	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
10 „	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
17 „	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
24 „	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
31 „	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
7 November	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
14 „	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
21 „	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
28 „	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
5 December	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
12 „	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
19 „	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
26 „	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
1869:																	
2 January	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
9 „	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
16 „	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
23 „	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
30 „	–	–	–	–	3	–	–	3	–	–	–	–	–	–	–	–	
6 February	–	–	–	–	7	–	1	8	–	–	–	–	–	–	–	–	
13 „	–	–	–	–	8	1	4	13	–	–	–	–	–	–	–	–	
20 „	–	–	–	–	4	2	2	8	–	–	–	–	–	–	–	–	
27 „	–	–	–	–	1	2	1	4	–	–	–	–	–	–	–	–	
6 March	–	–	–	–	5	1	1	7	–	–	–	–	–	–	–	–	
13 „	–	–	–	–	3	3	4	10	–	–	–	–	–	–	–	–	
20 „	–	–	–	–	3	4	–	7	–	–	–	–	–	–	–	–	
27 „	–	–	–	–	5	4	1	10	–	–	–	–	–	–	–	–	
3 April	–	–	–	–	3	7	–	10	–	–	–	–	–	–	–	–	
10 „	–	–	–	–	2	3	2	7	–	–	–	–	–	–	–	–	
17 „	–	–	–	–	6	4	3	13	–	–	–	–	–	–	–	–	
24 „	–	–	–	–	6	4	6	16	–	–	–	–	–	–	–	–	
1 May	–	–	–	–	5	1	4	10	–	–	–	–	–	–	–	–	
8 „	–	–	–	–	4	1	–	5	–	–	–	–	–	–	–	–	
15 „	–	–	–	–	5	1	2	8	–	–	–	–	–	–	–	–	
22 „	–	–	–	–	5	1	1	7	–	–	–	–	–	–	–	–	
29 „	–	–	–	–	9	3	2	14	–	–	–	–	–	–	–	–	

- - - - - COLCHESTER DISTRICT.

Hospitals Suffering from Contagious Diseases, the Number of Men constantly under Treatment, and nd Port for each Week during the Year June 1868 to May 1869 inclusive.

Total Number admitted who ntracted the Disease thin the District.	Average Number constantly under Treatment					Number of Days Lost to the Service.				Number of Men in Garrison and Port.			
	Naval Hospital.	Military Hospital.	Marine Infirmary.	Ships in Port.	Total.	Seamen.	Soldiers.	Marines.	Total.	Seamen.	Soldiers.	Marines.	Total.
–	–	–	–	–	–	–	–	–	–	–	–	–	–

CHATHAM DISTRICT.

RETURN showing the Number of SOLDIERS, SEAMEN, and MARINES, Admitted to their respective and Number of Days Lost to the Service, with the Number of Men in Garrison

WEEK ENDED	Number of Patients Admitted into Naval Hospital. Primary Sores and Gonorrhœa. Contracted in District.	Naval Hospital. Primary Sores and Gonorrhœa. Contracted elsewhere.	Naval Hospital. Other Venereal Diseases.	Naval Hospital. Total.	Military Hospital. Primary Sores and Gonorrhœa. Contracted in District.	Military Hospital. Primary Sores and Gonorrhœa. Contracted elsewhere.	Military Hospital. Other Venereal Diseases.	Military Hospital. Total.	Marine Infirmary. Primary Sores and Gonorrhœa. Contracted in District.	Marine Infirmary. Primary Sores and Gonorrhœa. Contracted elsewhere.	Marine Infirmary. Other Venereal Diseases.	Marine Infirmary. Total.	Number of Patients Treated on Board Ships in Port. Primary Sores and Gonorrhœa. Contracted in District.	Number of Patients Treated on Board Ships in Port. Primary Sores and Gonorrhœa. Contracted elsewhere.	Number of Patients Treated on Board Ships in Port. Other Venereal Diseases.	Number of Patients Treated on Board Ships in Port. Total.	Total Number of Patients Admitted to Hospital.
1868:																	
6 June	–	–	–	–	11	3	1	15	4	2	1	7	–	–	–	–	22
13 „	–	–	–	–	14	8	5	27	3	1	–	4	–	–	–	–	31
20 „	–	–	–	–	9	–	2	11	4	–	–	4	–	–	–	–	15
27 „	–	–	–	–	8	3	6	17	4	2	–	6	–	–	–	–	23
4 July	–	–	–	–	13	2	4	19	6	1	–	7	–	–	–	–	26
11 „	–	–	–	–	11	5	3	19	8	–	–	8	–	–	–	–	27
18 „	–	–	–	–	15	3	6	24	2	–	–	2	–	–	–	–	26
25 „	–	–	–	–	14	5	3	22	5	1	–	6	–	–	–	–	28
1 August	–	–	–	–	14	3	5	22	3	–	–	3	–	–	–	–	25
8 „	–	–	–	–	15	1	5	21	8	–	–	8	–	–	–	–	29
15 „	–	–	–	–	8	8	3	19	2	–	–	2	–	–	–	–	21
22 „	–	–	–	–	11	1	2	14	8	1	1	10	–	–	–	–	24
29 „	–	–	–	–	12	5	7	24	3	–	–	3	–	–	–	–	27
5 September	–	–	–	–	20	1	3	24	2	–	–	2	–	–	–	–	26
12 „	–	–	–	–	17	6	6	29	1	–	–	1	–	–	–	–	30
19 „	–	–	–	–	11	1	1	13	5	1	–	6	–	–	–	–	19
26 „	–	–	–	–	11	3	4	18	2	1	2	5	–	–	–	–	23
3 October	–	–	–	–	19	7	6	32	3	1	–	4	–	–	–	–	36
10 „	–	–	–	–	12	2	8	22	2	1	–	3	–	–	–	–	25
17 „	–	–	–	–	9	3	–	12	1	–	1	2	–	–	–	–	14
24 „	–	–	–	–	12	3	10	25	1	2	–	3	–	–	–	–	28
31 „	–	–	–	–	7	5	3	15	4	–	–	4	–	–	–	–	19
7 November	–	–	–	–	8	–	–	8	3	–	–	3	–	–	–	–	11
14 „	–	–	–	–	13	7	6	26	–	1	–	1	–	–	–	–	27
21 „	–	–	–	–	4	6	6	16	–	2	–	2	–	–	–	–	18
28 „	–	–	–	–	4	3	8	15	2	1	–	3	–	–	–	–	18
5 December	–	–	–	–	6	2	1	9	2	–	–	2	–	–	–	–	11
12 „	–	–	–	–	4	3	1	8	2	–	–	2	–	–	–	–	10
19 „	–	–	–	–	4	5	5	14	3	1	–	4	–	–	–	–	18
26 „	–	–	–	–	4	4	–	8	1	–	–	1	–	–	–	–	9
1869:																	
2 January	–	–	–	–	16	2	5	23	2	1	–	3	–	–	–	–	26
9 „	–	–	–	–	8	4	1	13	1	1	–	2	–	–	–	–	15
16 „	–	–	–	–	11	2	1	14	1	–	–	1	–	–	–	–	15
23 „	–	–	–	–	7	1	2	10	2	–	–	2	–	–	–	–	12
30 „	–	–	–	–	5	2	3	10	1	1	–	2	–	–	–	–	12
6 February	–	–	–	–	7	2	–	9	–	3	–	3	–	–	–	–	12
13 „	–	–	–	–	5	2	1	8	4	–	–	4	–	–	–	–	12
20 „	–	–	–	–	9	5	1	15	5	–	–	5	–	–	–	–	20
27 „	–	–	–	–	7	1	2	10	3	2	–	5	–	–	–	–	15
6 March	–	–	–	–	6	3	1	10	1	1	–	2	–	–	–	–	12
13 „	–	–	–	–	9	2	2	13	3	–	–	3	–	–	–	–	16
20 „	–	–	–	–	8	2	4	14	2	1	–	3	–	–	–	–	17
27 „	–	–	–	–	5	1	–	6	–	–	–	–	–	–	–	–	6
3 April	–	–	–	–	7	3	1	11	3	–	–	3	–	–	–	–	14
10 „	–	–	–	–	4	3	1	8	3	3	1	7	–	–	–	–	15
17 „	–	–	–	–	10	2	1	13	2	3	–	5	–	–	–	–	18
24 „	–	–	–	–	7	3	2	12	5	1	–	6	–	–	–	–	18
1 May	–	–	–	–	12	2	3	17	2	4	2	8	–	–	–	–	25
8 „	–	–	–	–	3	3	–	6	3	3	1	7	–	–	–	–	13
15 „	–	–	–	–	7	4	9	20	3	2	2	7	–	–	–	–	27
22 „	–	–	–	–	4	1	2	7	2	1	–	3	–	–	–	–	10
29 „	–	–	–	–	8	1	2	11	6	5	1	12	–	–	–	–	23

CHATHAM DISTRICT.

SPITALS Suffering from CONTAGIOUS DISEASES, the Number of Men constantly under Treatment, d Port, for each Week during the Year, June 1868 to May 1869, inclusive.

OTAL umber mitted who tracted the isease in the strict.	Average Number constantly under Treatment.					Number of Days Lost to the Service.				Number of Men in Garrison and Port.			
	Naval Hospital.	Military Hospital.	Marine Infirmary.	Ships in Port.	TOTAL.	Seamen.	Soldiers.	Marines.	TOTAL.	Seamen.	Soldiers.	Marines.	TOTAL.
15	-	51	16	-	67	-	356	110	466	-	3,023	1,399	4,422
17	-	62	17	-	79	-	436	120	556	-	2,914	1,388	4,302
13	-	64	18	-	82	-	445	123	568	-	3,077	1,366	4,443
12	-	61	18	-	79	-	427	128	555	-	2,971	1,365	4,336
19	-	64	18	-	82	-	450	125	575	-	3,125	1,361	4,486
19	-	75	20	-	95	-	522	142	664	-	3,009	1,363	4,372
17	-	76	19	-	95	-	530	133	663	-	3,067	1,346	4,413
19	-	74	20	-	94	-	518	137	655	-	3,104	1,361	4,465
17	-	70	20	-	90	-	488	138	626	-	3,151	1,258	4,409
23	-	70	20	-	90	-	488	138	626	-	3,152	1,221	4,373
10	-	67	19	-	86	-	471	135	606	-	3,158	1,230	4,388
19	-	67	17	-	84	-	467	120	587	-	3,140	1,216	4,356
15	-	62	19	-	81	-	435	130	365	-	3,060	1,165	4,225
22	-	66	21	-	87	-	460	149	609	-	3,008	1,242	4,250
18	-	62	19	-	81	-	435	131	566	-	3,003	1,246	4,249
16	-	64	15	-	79	-	449	106	555	-	3,045	1,216	4,261
13	-	62	14	-	76	-	434	101	535	-	3,088	1,207	4,295
22	-	58	15	-	73	-	410	102	512	-	2,998	1,212	4,210
14	-	61	17	-	78	-	427	121	548	-	3,153	1,216	4,369
10	-	72	21	-	93	-	507	146	653	-	3,145	1,208	4,353
13	-	67	20	-	87	-	467	137	604	-	3,101	1,188	4,289
11	-	64	17	-	81	-	450	122	572	-	3,112	1,200	4,312
11	-	56	15	-	71	-	393	104	497	-	3,456	1,140	4,596
13	-	48	15	-	63	-	337	104	441	-	3,280	1,144	4,424
4	-	48	15	-	63	-	339	103	442	-	3,082	1,133	4,215
6	-	50	13	-	63	-	351	90	441	-	2,913	1,141	4,054
8	-	51	12	-	63	-	358	83	441	-	3,035	1,141	4,176
6	-	47	13	-	60	-	332	94	426	-	2,908	1,141	4,049
7	-	36	12	-	48	-	250	81	331	-	3,055	1,099	4,154
5	-	32	15	-	47	-	227	106	333	-	2,826	1,102	3,928
18	-	30	14	-	44	-	208	97	305	-	3,169	1,166	4,335
9	-	36	12	-	48	-	255	85	340	-	2,994	1,168	4,162
12	-	43	12	-	55	-	300	83	383	-	3,186	1,169	4,355
9	-	48	13	-	61	-	333	92	425	-	3,208	1,161	4,369
6	-	47	13	-	60	-	328	88	416	-	3,261	1,162	4,423
7	-	45	13	-	58	-	316	91	407	-	3,505	1,163	4,668
9	-	47	14	-	61	-	330	96	426	-	3,541	1,161	4,702
14	-	44	17	-	61	-	309	118	427	-	3,619	1,153	4,772
10	-	42	19	-	61	-	296	130	426	-	3,280	1,151	4,431
7	-	43	22	-	65	-	304	154	458	-	3,117	1,485	4,602
12	-	40	24	-	64	-	282	165	447	-	3,444	1,469	4,913
10	-	35	21	-	56	-	248	153	401	-	3,415	1,458	4,873
5	-	45	21	-	66	-	315	146	461	-	3,241	1,487	4,728
10	-	39	18	-	57	-	272	128	400	-	3,667	1,498	5,165
7	-	37	20	-	57	-	256	143	399	-	3,247	1,616	4,863
12	-	34	24	-	58	-	236	165	401	-	3,173	1,630	4,803
12	-	35	24	-	59	-	248	167	415	-	3,147	1,515	4,662
14	-	41	24	-	65	-	288	168	456	-	3,226	1,575	4,801
6	-	41	25	-	66	-	286	177	463	-	3,190	1,555	4,745
10	-	37	35	-	72	-	262	247	509	-	3,234	1,571	4,805
6	-	39	36	-	75	-	274	253	527	-	3,248	1,571	4,819
14	-	37	36	-	73	-	257	250	507	-	3,142	1,585	4,727

SHEERNESS DISTRICT - - - - - - -

RETURN showing the Number of SOLDIERS, SEAMEN, and MARINES, Admitted to their respective Number of Days Lost to the Service, with the Number of Men in Garrison

WEEK ENDED.	Number of Patients Admitted into Naval Hospital.				Military Hospital.				Marine Infirmary.				Number of Patients Treated on Board Ships in Port.				TOTAL Number of Patients Admitted to Hospital.
	Primary Sores and Gonorrhœa.		Other Venereal Diseases.	TOTAL.	Primary Sores and Gonorrhœa.		Other Venereal Diseases.	TOTAL.	Primary Sores and Gonorrhœa.		Other Venereal Diseases.	TOTAL.	Primary Sores and Gonorrhœa.		Other Venereal Diseases.	TOTAL.	
	Contracted in District.	Contracted elsewhere.			Contracted in District.	Contracted elsewhere.			Contracted in District.	Contracted elsewhere.			Contracted in District.	Contracted elsewhere.			
1868:																	
6 June	–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	2	2
13 „	–	–	–	–	1	–	–	1	–	–	–	–	1	6	–	7	8
20 „	–	–	–	–	1	–	2	3	–	–	–	–	1	1	–	2	5
27 „	–	–	–	–	1	–	–	1	–	–	–	–	–	1	–	1	2
4 July	–	–	–	–	3	–	–	3	–	–	–	–	1	–	1	2	5
11 „	–	–	–	–	2	–	2	4	–	–	–	–	–	2	–	2	6
18 „	–	–	–	–	3	–	1	4	–	–	–	–	2	2	–	4	8
25 „	–	–	–	–	2	–	–	2	–	–	–	–	–	2	1	3	5
1 August	–	–	–	–	2	–	2	4	–	–	–	–	1	–	–	1	5
8 „	–	–	–	–	1	–	–	1	–	–	–	–	–	1	–	1	2
15 „	–	–	–	–	–	1	–	1	–	–	–	–	–	–	2	2	3
22 „	–	–	–	–	–	–	–	–	–	–	–	–	1	3	–	4	4
29 „	–	–	–	–	2	1	–	3	–	–	–	–	4	–	–	4	7
5 September	–	–	–	–	1	2	–	3	–	–	–	–	2	5	–	7	10
12 „	–	–	–	–	1	1	–	2	–	–	–	–	–	3	–	3	5
19 „	–	–	–	–	2	–	–	2	–	–	–	–	1	3	–	4	6
26 „	–	–	–	–	2	–	–	2	–	–	–	–	1	4	2	7	9
3 October	–	–	–	–	1	–	–	1	–	–	–	–	–	5	2	7	8
10 „	–	–	–	–	–	–	–	–	–	–	–	–	1	5	–	6	6
17 „	–	–	–	–	–	1	–	1	–	–	–	–	–	2	–	2	3
24 „	–	–	–	–	1	1	–	2	–	–	–	–	3	2	–	5	7
31 „	–	–	–	–	1	2	1	4	–	–	–	–	–	–	–	–	4
7 November	–	–	–	–	1	2	1	4	–	–	–	–	2	5	–	7	11
14 „	–	–	–	–	1	4	1	6	–	–	–	–	1	–	–	1	7
21 „	–	–	–	–	–	1	–	1	–	–	–	–	2	2	–	4	5
28 „	–	–	–	–	–	1	–	1	–	–	–	–	1	3	–	4	5
5 December	–	–	–	–	2	1	–	3	–	–	–	–	–	2	–	2	5
12 „	–	–	–	–	–	2	–	2	–	–	–	–	2	2	–	4	6
19 „	–	–	–	–	2	1	–	3	–	–	–	–	1	2	–	3	6
26 „	–	–	–	–	–	1	–	1	–	–	–	–	–	–	–	–	1
1869:																	
2 January	–	–	–	–	–	1	–	1	–	–	–	–	–	2	–	2	3
9 „	–	–	–	–	1	–	2	3	–	–	–	–	2	2	–	4	7
16 „	–	–	–	–	2	1	–	3	–	–	–	–	–	2	–	2	5
23 „	–	–	–	–	–	1	–	1	–	–	–	–	3	2	–	5	6
30 „	–	–	–	–	2	4	–	6	–	–	–	–	2	1	–	3	9
6 February	–	–	–	–	1	1	1	3	–	–	–	–	1	1	–	2	5
13 „	–	–	–	–	2	–	1	3	–	–	–	–	1	1	1	3	6
20 „	–	–	–	–	4	1	2	7	–	–	–	–	2	5	–	7	14
27 „	–	–	–	–	1	1	–	2	–	–	–	–	–	1	–	1	3
6 March	–	–	–	–	1	2	1	4	–	–	–	–	1	3	–	4	8
13 „	–	–	–	–	2	2	–	4	–	–	–	–	1	4	1	6	10
20 „	–	–	–	–	2	1	1	4	–	–	–	–	1	3	–	4	8
27 „	–	–	–	–	2	–	1	3	–	–	–	–	–	1	–	1	4
3 April	–	–	–	–	–	–	–	–	–	–	–	–	4	3	–	7	7
10 „	–	–	–	–	–	2	1	3	–	–	–	–	2	7	–	9	12
17 „	–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	2	2
24 „	–	–	–	–	–	–	–	–	–	–	–	–	2	1	–	3	3
1 May	–	–	–	–	–	1	–	1	–	–	–	–	–	1	1	2	3
8 „	–	–	–	–	–	1	–	1	–	–	–	–	–	1	–	1	2
15 „	–	–	–	–	2	1	–	3	–	–	–	–	1	1	–	2	5
22 „	–	–	–	–	2	1	–	3	–	–	–	–	–	1	–	1	4
29 „	–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	2	2

SHEERNESS DISTRICT.

PITALS suffering from CONTAGIOUS DISEASES, the Number constantly under Treatment, and Port, for each Week during the Year, June 1868 to May 1869, inclusive.

Average Number constantly under Treatment.					Number of Days Lost to the Service.				Number of Men in Garrison and Port.			
Naval Hospitals.	Military Hospital.	Marine Infirmary.	Ships in Port.	Total.	Seamen.	Soldiers.	Marines.	Total.	Seamen.	Soldiers.	Marines.	Total.
–	8	–	4	12	27	53	–	80	1,484	534	265	2,283
–	7	–	7	14	47	48	–	95	1,560	619	287	2,466
–	7	–	7	14	50	52	–	102	1,450	633	276	2,359
–	8	–	5	13	34	53	–	87	1,448	619	279	2,346
–	8	–	3	11	21	53	–	74	1,638	565	351	2,554
–	8	–	5	13	38	59	–	97	1,910	567	354	2,831
–	10	–	9	19	63	72	–	135	1,286	511	271	2,068
–	8	–	9	17	61	54	–	115	1,164	426	262	1,852
–	8	–	5	13	37	53	–	90	1,175	449	256	1,880
–	8	–	3	11	21	58	–	79	1,757	517	265	2,539
–	7	–	4	11	26	50	–	76	2,083	450	294	2,827
–	7	–	7	14	49	49	–	98	1,997	420	350	2,767
–	7	–	9	16	60	48	3	111	1,960	437	374	2,771
–	7	–	11	18	67	49	12	128	2,006	424	379	2,809
–	6	–	9	15	53	42	10	105	1,727	414	321	2,462
–	6	–	7	13	39	41	7	87	1,401	424	250	2,075
–	8	–	10	18	71	54	–	125	1,891	587	352	2,830
–	5	–	11	16	73	38	4	115	1,414	421	256	2,091
–	5	–	9	14	63	34	–	97	1,230	474	262	1,966
–	3	–	7	10	45	24	1	70	1,221	455	262	1,938
–	4	–	8	12	49	28	10	87	1,289	499	270	2,058
–	5	–	8	13	46	37	8	91	1,207	695	267	2,169
–	8	–	7	15	35	58	16	109	1,429	699	250	2,378
–	11	–	5	16	27	80	8	115	1,076	694	241	2,011
–	11	–	5	16	26	80	11	117	1,276	636	312	2,224
–	10	–	9	19	49	68	16	133	1,017	514	241	1,772
–	7	–	8	15	51	51	5	107	1,017	631	241	1,889
–	9	–	5	14	28	66	10	104	1,057	563	238	1,858
–	11	–	9	20	36	74	26	136	1,158	538	278	1,974
	11	–	6	17	33	78	8	119	1,485	625	334	2,444
–	10	–	3	13	18	70	–	88	1,500	632	291	2,423
–	8	–	6	14	45	57	–	102	1,407	537	262	2,206
–	11	–	5	16	32	77	–	109	1,204	716	183	2,103
–	11	–	6	17	37	78	7	122	1,196	695	186	2,077
–	13	–	4	17	15	90	10	115	1,212	688	186	2,086
–	18	–	5	23	22	123	14	159	1,254	687	183	2,124
–	16	–	6	22	26	111	13	150	1,192	689	180	2,061
–	12	–	10	22	57	86	11	154	1,188	686	180	2,054
–	11	–	9	20	59	78	7	144	1,269	672	180	2,121
–	9	–	9	18	57	66	8	137	1,287	673	180	2,140
–	11	–	7	18	45	75	2	122	1,320	672	180	2,172
–	13	–	9	22	58	92	–	150	1,284	665	186	2,135
–	10	–	5	15	33	73	–	106	1,187	665	165	2,017
–	9	–	10	19	62	62	8	132	963	609	130	1,702
–	6	–	15	21	84	45	18	147	1,318	192	310	1,820
–	3	–	12	15	71	24	14	109	1,372	197	197	1,766
–	2	–	14	16	92	17	7	116	1,467	214	209	1,890
–	1	–	12	13	79	8	6	93	1,627	247	318	2,192
–	3	–	7	10	49	27	–	76	1,529	280	276	2,085
–	5	–	5	10	31	36	7	74	1,032	261	136	1,429
–	7	–	5	12	25	48	7	80	859	266	114	1,239
–	7	–	5	12	26	50	7	83	1,032	273	148	1,453

PORTSMOUTH DISTRICT. - - - - -

RETURN showing the Number of SOLDIERS, SEAMEN, and MARINES Admitted to their respectiv
Number of Days Lost to the Service, with the Number of Men in Garris

WEEK ENDED	Number of Patients Admitted into Naval Hospitals. Primary Sores and Gonorrhœa. Contracted in District.	Naval Hospitals. Primary Sores and Gonorrhœa. Contracted Elsewhere.	Naval Hospitals. Other Venereal Diseases.	Naval Hospitals. Total.	Military Hospital. Primary Sores and Gonorrhœa. Contracted in District.	Military Hospital. Primary Sores and Gonorrhœa. Contracted Elsewhere.	Military Hospital. Other Venereal Diseases.	Military Hospital. Total.	Marine Infirmary. Primary Sores and Gonorrhœa. Contracted in District.	Marine Infirmary. Primary Sores and Gonorrhœa. Contracted Elsewhere.	Marine Infirmary. Other Venereal Diseases.	Marine Infirmary. Total.	Number of Patients Treated on Board Ships in Port. Primary Sores and Gonorrhœa. Contracted in District.	Number of Patients Treated on Board Ships in Port. Primary Sores and Gonorrhœa. Contracted Elsewhere.	Number of Patients Treated on Board Ships in Port. Other Venereal Diseases.	Number of Patients Treated on Board Ships in Port. Total.	Total Number Patients Admitted Hospi
1868:																	
6 June	12	3	–	15	23	7	1	31	4	–	2	6	8	5	1	14	66
13 „	10	2	1	13	21	5	–	26	3	–	3	6	7	4	2	13	58
20 „	13	2	2	17	19	6	1	26	5	–	1	6	6	2	1	9	58
27 „	12	2	1	15	22	5	3	30	–	1	3	4	6	2	1	9	58
4 July	7	1	2	10	23	4	2	29	11	–	5	16	8	3	2	13	68
11 „	5	3	1	9	24	6	1	31	10	–	6	16	9	5	3	17	73
18 „	6	2	3	11	22	2	4	28	12	1	4	17	7	4	2	13	69
25 „	5	1	2	8	23	1	3	27	11	–	5	16	7	2	4	13	64
1 August	7	3	1	11	24	3	2	29	11	1	5	17	9	3	3	15	72
8 „	12	4	7	23	17	2	2	21	8	1	4	13	3	3	1	7	64
15 „	3	2	1	6	30	1	1	32	9	2	9	20	4	5	2	11	69
22 „	12	–	4	16	26	6	4	36	14	2	11	27	6	–	3	9	88
29 „	6	4	7	17	27	4	1	32	5	4	4	13	5	1	4	10	72
5 September	7	1	5	13	24	1	9	34	12	2	5	19	3	1	2	6	72
12 „	4	3	3	10	28	3	5	36	5	2	7	14	9	–	2	11	71
19 „	9	2	7	18	26	5	6	37	12	3	7	22	7	2	2	11	88
26 „	13	5	5	23	33	10	6	49	5	1	2	8	9	2	4	15	95
3 October	9	1	7	17	30	4	3	37	8	1	–	9	3	–	3	6	69
10 „	7	1	–	8	36	2	8	46	7	2	11	20	4	–	2	6	80
17 „	10	–	6	16	34	6	5	45	1	1	–	2	3	1	2	6	69
24 „	7	2	1	10	27	2	4	33	5	–	12	17	1	–	4	5	65
31 „	5	–	3	8	14	2	4	20	4	1	5	10	4	1	7	12	50
7 November	3	1	5	9	25	2	2	29	5	–	5	10	2	3	–	5	53
14 „	4	1	2	7	24	1	2	27	8	–	5	13	8	1	–	9	56
21 „	6	–	5	11	18	1	2	21	9	1	6	16	4	2	4	10	58
28 „	8	–	3	11	21	3	6	30	1	1	4	6	8	3	2	13	60
5 December	13	3	2	18	18	–	4	22	4	3	7	14	2	2	1	5	59
12 „	6	1	2	9	20	–	6	26	7	–	7	14	3	–	–	3	52
19 „	2	1	1	4	17	2	1	20	2	–	10	12	–	–	–	–	36
26 „	4	–	3	7	8	–	3	11	2	–	3	5	5	1	2	8	31
1869:																	
2 January	7	–	6	13	17	3	3	23	5	1	5	11	1	1	1	3	50
9 „	15	1	4	20	25	1	2	28	5	–	2	7	9	1	1	11	66
16 „	7	1	–	8	15	–	5	20	4	–	–	4	2	1	3	6	38
23 „	2	1	1	4	17	2	1	20	4	1	–	5	2	1	–	3	33
30 „	5	2	3	10	11	–	3	14	1	1	–	2	2	2	1	5	31
6 February	7	1	2	10	23	–	3	26	3	1	1	5	5	5	1	11	52
13 „	6	–	3	9	12	3	4	19	3	–	4	7	5	2	2	9	36
20 „	3	2	6	11	17	1	2	20	6	–	11	17	8	1	4	13	61
27 „	6	–	1	7	18	3	2	23	4	–	6	10	4	–	–	4	44
6 March	8	–	2	10	12	3	5	20	7	–	3	10	1	–	1	2	42
13 „	6	3	2	11	14	2	2	18	5	–	10	15	4	1	–	5	49
20 „	5	3	1	9	14	4	6	24	5	–	3	8	6	1	2	9	50
27 „	1	4	3	8	18	–	4	22	3	–	4	7	–	2	1	3	40
3 April	5	4	1	10	13	–	5	18	15	2	3	20	4	3	1	8	56
10 „	7	4	2	13	26	–	2	28	14	4	4	22	5	3	1	9	72
17 „	6	5	2	13	12	2	4	18	8	1	2	11	11	1	2	14	56
24 „	4	2	3	9	16	–	6	22	6	2	2	10	6	–	3	9	50
1 May	7	1	1	9	9	3	2	14	7	–	7	14	5	2	1	8	45
8 „	2	8	1	11	17	2	7	26	5	–	–	5	–	5	4	9	50
15 „	4	3	4	11	15	1	4	20	5	1	8	14	6	2	3	11	56
22 „	–	5	2	7	17	–	6	23	11	2	5	18	9	6	3	18	66
29 „	7	3	5	15	20	–	2	22	8	–	4	12	2	4	2	8	57

- - - - - PORTSMOUTH DISTRICT.

OSPITALS suffering from CONTAGIOUS DISEASES, the Number of Men constantly under Treatment, and d Port, for each Week during the Year, June 1868 to May 1869, inclusive.

Total mber nitted who racted the sease in the strict.	Average Number Constantly under Treatment.					Number of Days Lost to the Service.				Number of Men in Garrison and Port.			
	Naval Hospital.	Military Hospital.	Marine Infirmaries.	Ships in Port.	TOTAL.	Seamen.	Soldiers.	Marines.	TOTAL.	Seamen.	Soldiers.	Marines.	TOTAL.
47	125	69	14	16	224	585	483	500	1,568	5,646	4,174	2,686	12,506
41	125	67	13	15	220	580	469	491	1,540	5,366	4,312	2,702	12,380
43	124	67	15	17	223	593	469	499	1,561	5,366	3,696	2,680	11,742
40	122	73	14	16	225	566	511	498	1,575	5,366	6,289	2,655	14,310
49	117	81	33	31	262	667	567	600	1,834	6,027	4,155	2,618	12,800
48	116	79	31	20	248	680	553	502	1,735	8,332	4,317	2,631	15,280
47	118	83	35	33	269	700	581	602	1,883	7,003	4,217	2,628	13,848
46	119	80	34	32	265	694	560	601	1,885	8,378	4,227	2,678	15,283
51	115	82	32	30	259	640	574	599	1,813	8,484	4,317	2,711	15,512
40	99	82	27	20	228	524	574	498	1,596	6,850	4,137	2,673	13,660
46	113	80	20	24	237	599	560	500	1,659	6,777	4,219	2,631	13,627
58	113	88	28	25	254	660	616	502	1,778	8,159	4,374	2,589	15,122
43	126	94	27	20	267	612	658	599	1,869	7,879	4,398	2,614	14,891
46	96	97	31	18	242	516	679	499	1,694	7,420	4,068	2,614	14,102
46	94	96	28	20	238	501	672	493	1,666	6,674	4,375	2,629	13,678
54	90	99	31	13	233	502	693	436	1,631	7,498	5,274	2,600	15,372
60	97	131	25	14	267	506	917	446	1,869	6,275	5,275	2,587	14,137
50	97	129	22	12	260	510	903	407	1,820	5,492	5,357	2,477	13,326
54	97	125	19	11	252	488	875	401	1,764	5,600	5,386	2,530	13,516
48	90	125	16	13	230	400	875	333	1,609	6,032	5,419	2,413	13,864
40	92	108	22	12	234	480	756	402	1,638	6,298	5,057	2,378	13,733
27	96	92	20	11	219	487	644	402	1,533	7,218	4,982	2,429	14,629
35	99	92	16	12	219	480	644	409	1,533	6,923	5,012	2,400	14,335
44	92	100	22	9	223	462	700	399	1,561	6,912	4,978	2,431	14,321
37	92	91	26	12	221	499	637	411	1,547	6,498	4,912	2,401	13,811
38	96	90	22	19	228	501	630	468	1,599	5,824	4,884	2,463	13,171
37	103	94	19	19	235	507	658	480	1,645	5,959	4,754	2,400	13,113
36	105	81	18	21	225	516	567	492	1,575	6,061	4,819	2,380	13,260
21	104	74	15	14	207	501	518	430	1,449	6,526	4,878	2,326	13,730
19	101	72	12	14	199	488	504	401	1,393	6,568	4,759	2,046	13,370
30	110	63	11	19	203	570	441	410	1,421	6,141	4,459	2,273	12,873
54	105	66	12	16	199	501	462	430	1,393	5,786	4,899	2,118	12,803
28	111	61	17	14	203	564	427	430	1,421	6,286	4,728	2,196	13,210
25	104	62	13	11	190	495	434	401	1,330	6,105	4,632	2,288	13,025
19	96	55	11	11	173	428	385	398	1,211	6,003	4,519	2,307	12,829
38	97	57	11	17	182	473	399	402	1,274	6,234	4,849	2,324	13,407
26	98	65	15	20	198	500	455	431	1,386	6,377	4,746	2,335	13,458
34	90	76	15	20	201	416	532	399	1,407	5,725	4,729	2,343	12,797
32	81	78	17	18	194	440	546	372	1,358	5,308	4,936	2,297	12,541
28	87	74	14	7	182	406	518	350	1,274	6,362	4,987	2,331	13,680
29	86	70	16	5	177	409	490	340	1,239	5,545	4,841	2,560	12,946
30	85	73	21	9	188	430	511	375	1,316	5,826	4,779	2,548	13,153
22	83	78	13	15	189	407	546	370	1,323	6,092	4,751	2,528	13,371
37	74	72	17	11	174	398	504	316	1,218	6,642	4,727	2,542	13,911
52	70	75	19	10	174	398	525	295	1,218	6,116	4,619	2,641	13,376
37	76	71	20	14	181	430	497	340	1,267	6,136	4,688	2,627	13,451
32	78	66	17	20	181	490	462	315	1,267	5,870	4,448	2,510	12,828
28	75	47	15	18	155	401	329	355	1,085	6,392	4,478	2,498	13,368
24	77	57	15	31	180	462	399	399	1,260	6,979	4,306	2,461	13,746
30	80	58	22	26	186	496	406	400	1,302	8,677	4,363	2,492	15,532
37	73	60	21	23	177	450	420	369	1,239	8,829	4,339	2,517	15,685
37	73	62	23	28	186	470	434	398	1,302	8,362	4,234	2,353	14,949

DEVONPORT DISTRICT. - - - - - -

RETURN showing the Number of SOLDIERS, SEAMEN, and MARINES, Admitted to their respective Number of Days Lost to the Service, with the Number of Men in Garrison

WEEK ENDED	Number of Patients Admitted into Naval Hospital.				Military Hospital.				Marine Infirmary.				Number of Patients Treated on Board Ships in Port.				TOTAL Number Patients Admitted Hospital
	Primary Sores and Gonorrhœa.		Other Venereal Diseases.	TOTAL.	Primary Sores and Gonorrhœa.		Other Venereal Diseases.	TOTAL.	Primary Sores and Gonorrhœa.		Other Venereal Diseases.	TOTAL.	Primary Sores and Gonorrhœa.		Other Venereal Diseases.	TOTAL.	
	Contracted in District.	Contracted Elsewhere.			Contracted in District.	Contracted Elsewhere.			Contracted in District.	Contracted Elsewhere.			Contracted in District.	Contracted Elsewhere.			
1868:																	
6 June	1	–	1	2	10	3	3	16	2	–	1	3	2	–	1	3	24
13 „	2	1	2	5	8	2	1	11	3	–	1	4	3	–	1	4	24
20 „	1	2	3	6	14	3	2	19	6	1	2	9	6	4	2	12	46
27 „	2	–	2	4	10	4	1	15	1	5	2	8	1	2	2	5	32
4 July	2	–	1	3	11	–	2	13	1	–	–	1	1	1	–	2	19
11 „	2	3	9	14	9	–	–	9	9	1	1	11	7	6	1	14	48
18 „	2	3	5	10	11	1	1	13	6	–	–	6	6	9	3	18	47
25 „	1	5	4	10	17	–	1	18	6	–	1	7	11	1	5	17	42
1 August	1	2	2	5	10	–	2	12	6	4	–	10	10	4	2	16	43
8 „	3	4	2	9	19	–	2	21	7	3	1	11	10	4	2	16	57
15 „	2	7	4	13	17	–	3	20	7	4	–	11	6	3	1	10	54
22 „	1	4	2	7	8	1	3	12	4	–	–	4	7	4	1	12	35
29 „	6	4	2	12	6	1	6	13	9	–	–	9	12	6	2	20	54
5 September	1	6	2	9	14	–	1	15	9	–	1	10	13	15	2	30	64
12 „	6	3	5	14	10	4	4	18	7	2	1	10	11	2	1	40	56
19 „	1	3	2	6	7	–	6	13	2	6	–	8	15	3	1	19	46
26 „	5	4	5	14	9	–	3	12	6	3	–	9	13	5	2	20	55
3 October	2	–	2	4	6	–	4	10	10	1	–	11	11	4	–	15	40
10 „	9	–	4	13	7	–	–	7	8	–	–	8	9	3	2	14	42
17 „	5	1	–	6	7	–	2	9	3	1	–	4	8	–	1	9	28
24 „	2	2	–	4	5	4	2	11	1	–	1	2	9	–	1	10	27
31 „	7	3	5	15	6	–	1	7	2	–	1	3	7	4	5	16	41
7 November	5	1	3	9	12	–	4	16	7	1	–	8	15	7	1	23	56
14 „	5	1	3	9	9	2	1	12	2	–	–	2	14	3	1	18	41
21 „	5	1	3	9	2	–	–	2	3	–	–	3	10	2	–	12	26
28 „	4	3	4	11	6	–	–	6	4	1	–	5	14	2	–	16	38
5 December	2	2	3	7	4	–	1	5	4	–	–	4	10	–	–	10	26
12 „	2	6	8	16	8	1	–	9	3	–	–	3	7	–	4	11	39
19 „	4	3	3	10	4	–	2	6	3	–	–	3	2	–	–	2	21
26 „	6	1	3	10	3	–	–	3	5	1	–	6	2	–	4	6	25
1869:																	
2 January	5	1	3	9	11	1	1	13	–	–	2	2	6	–	1	7	31
9 „	4	3	5	12	12	–	–	12	2	1	–	3	6	2	–	8	35
16 „	2	1	2	5	16	2	2	20	3	1	–	4	2	3	1	6	35
23 „	3	7	3	13	10	1	1	12	5	–	–	5	4	4	1	9	39
30 „	–	1	2	3	8	–	–	8	4	–	–	4	–	3	2	5	20
6 February	2	1	3	6	7	1	–	8	–	–	1	6	7	4	–	11	31
13 „	3	3	2	8	15	–	1	16	5	2	–	6	6	2	–	8	38
20 „	6	–	1	7	9	–	1	10	4	–	–	4	10	4	–	14	35
27 „	7	4	2	13	8	1	1	10	2	–	–	2	4	4	1	9	34
6 March	4	–	5	9	7	–	–	7	2	2	–	4	8	–	2	10	30
13 „	5	–	2	7	8	–	2	10	2	–	2	4	2	–	2	4	25
20 „	3	2	6	11	10	–	3	13	5	4	2	11	5	–	–	5	40
27 „	2	–	–	2	2	1	3	6	1	5	–	6	5	–	–	5	19
3 April	13	2	4	25	5	–	3	8	7	–	–	7	3	–	–	3	43
10 „	7	5	4	16	5	–	1	6	4	1	–	5	6	–	2	8	35
17 „	7	3	7	17	4	–	1	5	4	–	–	4	3	–	3	6	32
24 „	3	1	2	6	6	–	–	6	1	1	–	2	2	–	1	3	17
1 May	10	1	3	14	7	4	1	12	2	1	–	3	8	–	1	9	38
8 „	11	6	4	21	10	–	1	11	2	1	–	3	4	2	1	7	42
15 „	11	–	7	18	6	3	4	13	7	1	1	9	4	2	1	7	47
22 „	9	2	–	11	3	3	–	6	6	–	–	6	6	1	1	8	31
29 „	7	2	–	9	9	8	–	17	3	1	–	4	4	5	1	10	40

- - - - - - - DEVONPORT DISTRICT.

HOSPITALS suffering from CONTAGIOUS DISEASES, the Number of Men constantly under Treatment, and and Port, for each Week during the Year, June 1868 to May 1869, inclusive.

Total Number Admitted who Contracted the Disease within the District.	Average Number Constantly under Treatment.					Number of Days Lost to the Service.				Number of Men in Garrison and Port.			
	Naval Hospital.	Military Hospital.	Marine Infirmary.	Ships in Port.	TOTAL.	Seamen.	Soldiers.	Marines.	TOTAL.	Seamen.	Soldiers.	Marines.	TOTAL.
15	27	39	14	5	85	224	273	98	595	5,584	2,491	1,119	9,194
16	26	47	15	4	92	210	329	105	644	5,581	2,477	1,113	9,171
27	27	48	12	5	91	217	336	84	637	5,769	1,523	1,076	8,368
14	27	56	11	6	100	231	392	77	700	5,584	1,619	1,079	8,282
15	28	62	12	5	107	231	434	84	749	6,118	2,465	1,070	9,653
27	36	52	16	8	112	308	364	112	784	7,362	2,463	1,076	10,901
25	38	44	19	8	109	322	308	133	763	8,118	2,472	1,085	11,675
35	42	48	20	21	131	431	336	140	907	9,318	2,492	1,600	13,410
27	48	48	24	13	133	427	336	168	931	7,520	2,489	1,556	11,565
39	54	53	26	19	152	511	371	182	1,064	6,948	2,479	1,553	10,980
32	54	52	20	20	146	518	371	140	1,029	7,410	2,488	1,540	11,438
20	50	50	18	32	150	575	350	126	1,051	7,388	2,479	1,527	11,394
33	54	48	23	39	164	651	336	161	1,148	7,649	2,501	1,502	11,652
37	55	56	25	37	173	644	392	175	1,211	8,280	2,509	1,490	12,299
34	54	53	25	38	170	644	371	175	1,190	7,718	2,521	1,474	11,713
25	53	50	23	29	155	574	350	161	1,085	7,919	2,524	1,479	11,922
33	54	50	20	34	158	616	350	140	1,106	8,143	2,520	1,463	12,126
29	28	28	22	24	102	364	196	196	756	9,081	2,521	1,466	13,068
33	50	44	28	30	152	560	308	196	1,064	8,382	2,537	1,441	12,360
23	53	43	22	16	134	483	301	154	938	7,917	2,548	1,431	11,896
17	50	47	18	18	133	476	329	126	931	7,796	2,558	1,395	11,749
22	50	47	14	20	131	490	329	98	917	8,085	2,551	1,398	12,034
39	52	46	16	22	136	518	322	112	952	7,242	2,563	1,450	11,255
30	49	48	12	29	138	546	336	84	966	6,642	2,445	1,438	10,525
20	50	42	17	26	135	532	294	119	945	7,459	2,442	1,434	11,335
28	52	38	12	22	124	518	266	84	868	6,700	2,538	1,430	10,668
20	48	36	13	22	119	490	252	91	833	5,944	2,510	1,433	9,887
20	53	37	9	14	113	469	259	63	791	6,474	2,524	1,427	10,425
13	61	35	9	17	122	546	245	63	854	6,077	2,526	1,433	10,036
16	63	32	8	4	107	469	224	56	749	5,942	2,563	1,447	9,952
22	66	34	12	3	115	483	238	84	805	5,072	2,561	1,466	9,099
24	66	41	11	3	121	483	287	77	847	5,564	2,564	1,466	9,594
23	66	49	12	4	131	490	343	84	917	6,256	2,562	1,466	10,284
22	65	58	12	3	138	476	406	84	966	5,960	2,572	1,466	9,998
12	62	58	13	4	137	462	406	91	959	6,028	2,567	1,428	10,023
21	57	57	19	8	141	455	399	133	987	6,549	2,568	1,433	10,550
28	60	47	17	7	131	469	329	119	919	6,445	2,567	1,423	10,435
29	61	46	14	11	132	504	322	98	924	6,814	2,574	1,420	10,808
21	62	46	12	10	130	504	222	84	910	6,857	2,577	1,404	10,838
21	66	46	14	10	136	532	322	98	952	6,548	2,562	1,385	10,495
17	67	42	13	6	128	511	294	91	896	5,535	2,511	1,292	9,338
23	67	39	15	3	124	490	273	105	868	5,372	2,495	1,502	9,369
10	68	27	18	2	115	490	189	126	805	5,251	2,477	1,750	9,478
28	76	25	6	3	110	553	175	42	770	5,280	2,455	1,840	9,575
22	88	24	- -	7	119	665	169	–	833	5,762	2,208	1,840	9,810
18	92	22	- -	5	119	679	154	–	833	5,783	2,179	1,763	9,725
12	85	21	- -	6	112	637	147	–	784	5,780	2,339	1,762	9,881
27	80	23	- -	5	108	595	161	–	756	5,931	2,264	1,755	9,950
27	83	24	- -	25	132	756	168	–	924	7,996	2,250	1,764	12,010
28	90	32	- -	9	131	693	224	–	917	7,996	2,294	1,710	12,000
24	94	32	- -	16	142	770	224	–	994	6,895	2,274	1,689	10,858
23	90	32	- -	19	141	763	224	–	987	7,290	1,955	1,692	10,937

CONTAGIOUS DISEASES ACT, 1866.

WOOLWICH DISTRICT.

RETURN of the Number of PROSTITUTES brought under the Provisions of the CONTAGIOUS DISEASES ACT, 1866, for each Week during the Year (June 1868 to May 1869 inclusive).

WEEK ENDED	Number of Beds in Lock-Wards of Hospital.	Number Admitted to Hospital on Certificates of Visiting Surgeon.	Number Examined and found Free from Disease.	Total Number brought under the Provisions of the Act.	Number Discharged from Hospital.				Total Number Discharged.
					Number Discharged Free from Disease, who still follow their former Pursuits.	Number who have Entered Homes, &c.	Number who have Returned to their Friends.	Number Discharged as Incurable.	
4 June 1868	- -	5	17	22	11	- -	–	–	11
11 „ „	- -	12	22	34	13	- -	1	–	14
18 „ „	- -	16	15	31	13	- -	–	–	13
25 „ „	- -	12	9	21	7	1	–	–	8
2 July „	- -	8	14	22	5	1	2	1	9
9 „ „	- -	11	8	19	13	- -	2	–	15
16 „ „	- -	16	14	30	6	- -	–	–	6
23 „ „	- -	8	10	18	9	- -	–	–	9
30 „ „	- -	1	6	7	10	- -	2	–	12
6 August „	- -	7	10	17	6	1	2	1	10
13 „ „	- -	12	11	23	6	1	1	–	8
20 „ „	- -	12	25	37	4	1	–	–	5
27 „ „	- -	7	6	13	15	- -	1	1	17
3 Sept. „	- -	17	12	29	7	1	4	–	12
10 „ „	- -	9	14	23	4	- -	1	–	5
17 „ „	- -	19	21	40	5	- -	–	–	5
24 „ „	- -	10	17	27	7	2	2	–	11
1 October „	- -	4	23	27	11	1	3	–	15
8 „ „	- -	19	34	53	4	1	1	1	7
15 „ „	- -	6	15	21	9	2	1	–	12
22 „ „	- -	1	6	7	8	- -	1	–	9
29 „ „	- -	21	56	77	15	1	1	–	17
5 Nov. „	- -	8	31	39	9	- -	1	–	10
12 „ „	- -	4	21	25	9	- -	–	–	9
19 „ „	- -	14	18	32	15	- -	1	–	16
26 „ „	- -	13	40	53	6	- -	–	–	6
3 Dec. „	40	12	33	45	13	- -	–	–	13
10 „ „	- -	10	30	40	7	- -	–	1	8
17 „ „	- -	4	17	21	9	- -	–	–	9
24 „ „	- -	10	22	32	9	- -	–	–	9
31 „ „	- -	14	39	53	8	2	–	–	10
7 Jan. 1869	- -	16	28	44	11	- -	–	–	11
14 „ „	- -	8	38	46	5	1	–	1	7
21 „ „	- -	9	27	36	9	- -	–	–	9
28 „ „	- -	11	41	52	11	- -	2	–	13
4 Feb. „	- -	8	24	32	9	1	–	–	10
11 „ „	- -	12	40	52	8	- -	2	2	12
18 „ „	- -	5	44	49	10	- -	1	–	11
25 „ „	- -	14	23	37	17	1	3	–	21
4 March „	- -	9	24	33	7	- -	–	–	7
11 „ „	- -	9	32	41	9	- -	–	–	9
18 „ „	- -	7	48	55	8	2	–	1	11
25 „ „	- -	5	33	38	5	- -	–	–	5
1 April „	- -	11	24	35	7	- -	1	3	11
8 „ „	- -	12	35	47	6	- -	–	1	7
15 „ „	- -	10	47	57	6	- -	2	–	8
22 „ „	- -	13	39	52	13	- -	3	–	16
29 „ „	- -	14	14	28	9	1	1	–	11
6 May „	- -	9	44	53	4	- -	1	1	6
13 „ „	- -	11	38	49	9	1	6	–	16
20 „ „	- -	17	62	79	8	1	2	–	11
27 „ „	- -	12	62	74	9	- -	–	–	9

Metropolitan Police Office,
12 July 1869.

F. M. Mallalieu.
E. Y. W. Henderson,
The Commissioner of Police of the Metropolis.

ALDERSHOT DISTRICT.

RETURN of the Number of PROSTITUTES brought under the Provisions of the CONTAGIOUS DISEASES ACT, 1866, for each Week during the Year (June 1868 to May 1869 inclusive).

WEEK ENDED	Number of Beds in Lock-Wards of Hospital.	Number Admitted to Hospital on Certificates of Visiting Surgeon.	Number Examined and found Free from Disease.	Total Number brought under the Provision of the Act.	Number Discharged from Hospital.				Total Number Discharged.
					Number Discharged Free from Disease, who still follow their former Pursuits.	Number who have Entered Homes, &c.	Number who have Returned to their Friends.	Number Discharged as Incurable.	
4 June - 1868	- -	18	31	49	16	- -	–	–	16
1 „ „	- -	12	36	48	14	- -	–	–	14
8 „ „	- -	10	41	51	33	- -	–	–	23
5 „ „	- -	10	38	48	14	- -	1	–	15
2 July „	- -	19	37	56	8	- -	1	–	9
9 „ „	- -	18	43	61	17	2	1	–	20
6 „ „	- -	22	48	70	9	1	–	–	10
3 „ „	- -	24	53	77	16	- -	–	2	18
0 „ „	- -	24	45	69	17	- -	–	1	18
6 August „	- -	15	24	39	19	- -	–	–	19
3 „ „	- -	15	49	64	15	- -	–	–	15
0 „ „	- -	16	30	46	18	1	2	–	21
7 „ „	- -	18	59	77	18	- -	–	–	18
3 Sept. „	- -	10	42	52	17	- -	–	–	17
0 „ „	- -	17	55	72	18	3	–	–	21
7 „ „	- -	14	47	61	13	- -	–	–	13
4 „ „	- -	22	68	90	17	- -	–	–	17
1 October „	- -	12	77	89	14	- -	–	–	14
8 „ „	- -	16	54	70	18	- -	–	–	18
5 „ „	- -	17	75	92	15	- -	–	–	15
2 „ „	- -	14	63	77	16	2	–	–	18
9 „ „	- -	24	72	96	15	- -	–	–	15
5 Nov. „	- -	21	71	92	13	1	1	–	15
2 „ „	- -	14	67	81	15	- -	1	–	16
9 „ „	70	16	90	106	19	- -	–	–	19
6 „ „	- -	10	72	82	17	- -	–	–	17
3 Dec. „	- -	16	65	81	16	- -	–	–	16
0 „ „	- -	16	78	94	18	- -	–	–	18
7 „ „	- -	10	84	94	12	- -	–	–	12
4 „ „	- -	24	71	95	18	- -	1	–	19
1 „ „	- -	10	75	85	5	- -	–	–	5
7 Jan. 1869	- -	20	60	80	20	- -	–	–	20
4 „ „	- -	15	72	87	16	- -	–	–	16
1 „ „	- -	8	64	72	15	- -	–	–	15
8 „ „	- -	18	77	95	13	- -	–	–	13
4 Feb. „	- -	12	63	75	17	- -	–	–	17
1 „ „	- -	15	72	87	10	- -	–	–	10
8 „ „	- -	16	69	85	17	- -	–	–	17
5 „ „	- -	14	77	91	16	- -	–	–	16
4 March „	- -	13	78	91	12	- -	–	–	12
1 „ „	- -	11	71	82	14	- -	–	–	14
8 „ „	- -	19	80	99	18	- -	–	–	18
5 „ „	- -	11	82	93	9	1	–	1	11
1 April „	- -	13	82	95	14	- -	–	–	14
8 „ „	- -	14	72	86	14	- -	–	1	15
5 „ „	- -	11	76	87	12	- -	–	–	12
2 „ „	- -	12	89	101	20	1	–	–	21
9 „ „	- -	9	92	101	14	- -	–	–	14
6 May „	- -	11	107	118	15	- -	–	–	15
3 „ „	- -	24	130	154	13	- -	–	–	13
0 „ „	110	16	86	102	15	- -	–	–	15
7 „ „		17	101	118	11	- -	–	–	11

Metropolitan Police Office,
12 July 1869.

F. M. Mallalieu.
E. Y. W. Henderson,
The Commissioner of Police of the Metropolis.

WINDSOR DISTRICT.

RETURN of the Number of PROSTITUTES brought under the Provisions of the CONTAGIOUS DISEASES ACT, 1866, for each Week during the Year (June 1868 to May 1869 inclusive).

WEEK ENDED	Number of Beds in Lock-Wards of Hospital.	Number Admitted to Hospital on Certificates of Visiting Surgeon.	Number Examined and found Free from Disease.	Total Number brought under the Provisions of the Act.	Number Discharged from Hospital.				TOTAL Number Discharged.
					Number Discharged Free from Disease, who still follow their former Pursuits.	Number who have Entered Homes, &c.	Number who have Returned to their Friends.	Number Discharged as Incurable.	
4 June 1868	-	-	-	-	1	-	-	-	1
11 „ „	-	3	8	11	2	-	1	-	3
18 „ „	-	-	-	-	3	-	1	-	4
25 „ „	-	1	-	1	3	-	-	-	3
2 July „	-	1	8	9	2	-	-	-	2
9 „ „	-	3	1	4	—	—	-	-	—
16 „ „	-	1	6	7	1	-	1	-	2
23 „ „	-	4	7	11	2	-	-	-	2
30 „ „	-	2	-	2	2	-	-	-	2
6 August „	-	-	-	-	1	-	-	-	1
13 „ „	-	-	-	-	2	-	-	-	2
20 „ „	-	6	3	9	1	-	-	-	1
27 „ „	-	2	7	9	1	-	-	-	1
3 Sept. „	-	5	4	9	3	-	-	-	3
10 „ „	-	4	6	10	-	-	-	1	1
17 „ „	-	1	1	2	2	-	-	-	2
24 „ „	-	1	-	1	3	-	-	-	3
1 October „	-	2	6	8	2	-	-	-	2
8 „ „	-	2	-	2	2	-	-	-	2
15 „ „	-	3	7	10	1	-	-	-	1
22 „ „	-	-	-	-	2	-	-	-	2
29 „ „	-	3	16	19	-	-	-	1	1
5 Nov. „	-	-	-	-	4	-	-	-	4
12 „ „	-	4	6	10	—	—	-	-	—
19 „ „	-	1	-	1	1	-	-	-	1
26 „ „	-	8	9	17	2	-	-	-	2
3 Dec. „	20	2	3	5	6	-	-	-	6
10 „ „	-	2	5	7	1	-	-	-	1
17 „ „	-	4	5	9	2	-	-	-	2
24 „ „	-	1	10	11	2	-	1	-	3
31 „ „	-	3	8	11	4	-	-	-	4
7 Jan. 1869	-	1	14	15	2	-	2	-	4
14 „ „	-	-	3	3	1	1	-	-	2
21 „ „	-	1	10	11	3	-	-	-	3
28 „ „	-	6	14	20	1	-	-	-	1
4 Feb. „	-	2	7	9	6	-	-	-	6
11 „ „	-	1	13	14	1	-	-	-	1
18 „ „	-	5	15	20	2	-	-	-	2
25 „ „	-	2	10	12	3	-	-	-	3
4 March „	-	1	12	13	2	-	-	-	2
11 „ „	-	4	4	8	—	—	-	-	—
18 „ „	-	3	7	10	1	-	-	-	1
25 „ „	-	1	10	11	2	-	-	-	2
1 April „	-	-	8	8	2	-	-	-	2
8 „ „	-	1	6	10	3	-	-	-	3
15 „ „	-	1	8	9	2	-	-	-	2
22 „ „	-	1	5	6	4	-	-	-	4
29 „ „	-	4	12	16	1	-	-	-	1
6 May „	-	1	7	8	1	-	-	-	1
13 „ „	-	2	8	10	2	-	-	-	2
20 „ „	-	-	6	6	2	-	-	-	2
27 „ „	-	-	10	10	—	—	-	-	—

F. M. Mallalieu.

Metropolitan Police Office,
12 July 1869.

E. Y. W. Henderson,
The Commissioner of Police of the Metropolis.

SHORNCLIFFE DISTRICT.

RETURN of the Number of PROSTITUTES brought under the Provisions of the CONTAGIOUS DISEASES ACT, 1866, for each Week during the Year (June 1868 to May 1869 inclusive).

WEEK ENDED	Number of Beds in Lock-Wards of Hospital.	Number Admitted to Hospital on Certificate of Visiting Surgeon.	Number Examined and found Free from Disease.	Total Number brought under the Provisions of the Act.	Number Discharged from Hospital.				Total Number Discharged.
					Number Discharged Free from Disease, who still follow their former Pursuits.	Number who have Entered Homes, &c.	Number who have Returned to their Friends.	Number Discharged as Incurable.	
June 1868	—	—	—	—	—	—	—	—	—
„	—	—	—	—	—	—	—	—	—
„	—	—	—	—	—	—	—	—	—
„	—	—	—	—	—	—	—	—	—
July „	—	—	—	—	—	—	—	—	—
„	—	—	—	—	—	—	—	—	—
„	—	—	—	—	—	—	—	—	—
„	—	—	—	—	—	—	—	—	—
„	- -	24	18	42	—	—	—	—	—
August „	- -	7	12	19	6	- -	—	—	6
„	- -	11	7	18	10	- -	—	—	10
„	- -	3	7	10	4	1	1	—	6
„	- -	2	14	16	3	- -	—	—	3
Sept. „	- -	1	15	16	5	- -	—	—	5
„	- -	4	21	25	1	1	—	—	2
„	- -	6	21	27	4	1	—	—	5
„	- -	4	22	26	2	- -	1	—	3
October „	- -	3	16	19	3	- -	1	—	4
„	- -	2	27	29	8	- -	—	—	8
„	- -	1	20	21	—	—	—	—	—
„	- -	2	18	20	3	1	1	—	5
„	- -	2	22	24	4	- -	—	—	4
Nov. „	- -	6	21	27	5	- -	—	—	5
„	- -	5	17	22	1	- -	—	—	1
„	- -	1	22	23	1	1	—	—	2
„	- -	4	26	30	- -	1	—	—	1
„	- -	2	17	19	7	- -	—	—	7
„	- -	2	16	18	2	- -	1	—	3
„	- -	2	16	18	- -	- -	1	—	1
„	- -	1	23	24	6	- -	—	—	6
Dec. 1869	25	3	20	23	2	- -	—	—	2
„	- -	1	15	16	3	- -	—	—	3
„	- -	3	19	22	1	- -	—	—	1
„	- -	7	22	29	1	- -	—	—	1
„	- -	7	12	19	1	1	—	1	3
January „	- -	3	15	18	5	- -	—	—	5
„	- -	5	11	16	2	- -	—	—	2
„	- -	2	17	19	5	- -	—	—	5
„	- -	4	15	19	3	1	—	—	4
March „	- -	6	14	20	4	- -	—	—	4
„	- -	2	19	21	4	1	—	—	5
„	- -	7	20	27	3	- -	1	—	4
„	- -	5	21	26	5	- -	—	1	6
April „	- -	2	18	20	4	- -	—	—	4
„	- -	4	24	28	4	- -	—	—	4
„	- -	1	20	21	7	- -	—	—	7
„	- -	4	14	18	- -	1	—	—	1
„	- -	7	22	29	- -	1	—	—	1
May „	- -	5	16	21	1		—	—	2
„	- -	4	11	15	2	- -	—	—	2
„	- -	5	11	16	7	1	—	—	8
„	- -	4	16	20	6	- -	—	—	6

F. M. Mallalieu.

Metropolitan Police Office, 12 July 1869.

E. Y. W. Henderson,
The Commissioner of Police of the Metropolis.

COLCHESTER DISTRICT.

RETURN of the Number of PROSTITUTES brought under the Provisions of the CONTAGIOUS DISEASES ACT, 1866, for each Week during the Year (June 1868 to May 1869 inclusive).

WEEK ENDED	Number of Beds in Lock-Wards of Hospital.	Number Admitted to Hospital on Certificate of Visiting Surgeon.	Number Examined and found Free from Disease.	Total Number brought under the Provisions of the Act.	Number Discharged from Hospital.				Total Number Discharged.
					Number Discharged Free from Disease, who still follow their former Pursuits.	Number who have Entered Homes, &c.	Number who have Returned to their Friends.	Number Discharged as Incurable.	
8 June 1868	—	—	—	—	—	—	—	—	—
15 „ „	—	—	—	—	—	—	—	—	—
22 „ „	—	—	—	—	—	—	—	—	—
29 „ „	—	—	—	—	—	—	—	—	—
6 July „	—	—	—	—	—	—	—	—	—
13 „ „	—	—	—	—	—	—	—	—	—
20 „ „	—	—	—	—	—	—	—	—	—
27 „ „	—	—	—	—	—	—	—	—	—
3 August „	—	—	—	—	—	—	—	—	—
10 „ „	—	—	—	—	—	—	—	—	—
17 „ „	—	—	—	—	—	—	—	—	—
24 „ „	—	—	—	—	—	—	—	—	—
31 „ „	—	—	—	—	—	—	—	—	—
7 Sept. „	—	—	—	—	—	—	—	—	—
14 „ „	—	—	—	—	—	—	—	—	—
21 „ „	—	—	—	—	—	—	—	—	—
28 „ „	—	—	—	—	—	—	—	—	—
5 Oct. „	—	—	—	—	—	—	—	—	—
12 „ „	—	—	—	—	—	—	—	—	—
19 „ „	—	—	—	—	—	—	—	—	—
26 „ „	—	—	—	—	—	—	—	—	—
2 Nov. „	—	—	—	—	—	—	—	—	—
9 „ „	—	—	—	—	—	—	—	—	—
16 „ „	—	—	—	—	—	—	—	—	—
23 „ „	—	—	—	—	—	—	—	—	—
30 „ „	—	—	—	—	—	—	—	—	—
7 Dec. „	—	—	—	—	—	—	—	—	—
14 „ „	—	—	—	—	—	—	—	—	—
21 „ „	—	—	—	—	—	—	—	—	—
28 „ „	—	—	—	—	—	—	—	—	—
4 Jan. 1869	—	—	—	—	—	—	—	—	—
11 „ „	—	—	—	—	—	—	—	—	—
18 „ „	—	—	—	—	—	—	—	—	—
25 „ „	—	7	15	22	—	—	—	—	—
1 Feb. „	—	8	17	25	—	—	—	—	—
8 „ „	—	4	14	18	2	—	1	—	3
15 „ „	—	4	17	21	2	—	—	—	2
22 „ „	—	6	14	20	—	—	—	—	—
1 March „	—	3	11	14	1	—	1	—	2
8 „ „	—	2	24	26	3	—	1	—	4
15 „ „	—	2	20	22	2	1	1	—	4
22 „ „	—	2	17	19	5	1	—	—	6
29 „ „	25	5	7	12	1	—	—	—	1
5 April „	—	2	18	20	1	—	—	—	1
12 „ „	—	3	20	23	1	—	—	—	2
19 „ „	—	5	13	18	—	—	1	—	1
26 „ „	—	1	15	16	3	—	—	—	3
3 May „	—	2	17	19	1	—	—	—	1
10 „ „	—	7	14	21	3	—	2	—	5
17 „ „	—	1	14	15	—	—	1	—	1
24 „ „	—	3	15	18	2	—	1	—	3
31 „ „	—	2	18	20	1	1	3	—	5

Metropolitan Police Office,
12 July 1869.

F. M. Mallalieu.

E. Y. W. Henderson,
The Commissioner of Police of the Metropolis.

CHATHAM DISTRICT.

RETURN of the Number of PROSTITUTES brought under the Provisions of the CONTAGIOUS DISEASES ACT, 1866, for each Week during the Year (June 1868 to May 1869 inclusive).

WEEK ENDED	Number of Beds in Lock-Wards of Hospital.	Number Admitted to Hospital on Certificate of Visiting Surgeon.	Number Examined and found Free from Disease.	Total Number brought under the Provisions of the Act.	Number Discharged from Hospital.				Total Number Discharged.
					Number Discharged Free from Disease, who still follow their former Pursuits.	Number who have Entered Homes, &c.	Number who have Returned to their Friends.	Number Discharged as Incurable.	
June 1868	- -	8	5	13					
" "	- -	12	15	27					
" "	- -	10	15	25	18	1	1	–	20
" "	- -	17	13	30					
July "	- -	9	9	18					
" "	- -	14	14	28					
" "	- -	11	10	21					
" "	- -	13	11	24					
August "	- -	12	12	24					
" "	- -	14	15	29					
" "	- -	21	18	39	144	6	23	–	173
" "	- -	10	12	22					
" "	- -	9	19	28					
Sept. "	- -	12	29	41					
" "	- -	20	26	46					
" "	- -	11	30	41					
" "	- -	14	31	45					
October "	- -	9	38	47					
" "	- -	14	36	50					
" "	- -	7	38	45					
" "	- -	10	34	44					
" "	- -	9	43	52					
Nov. "	- -	19	32	51					
" "	- -	11	35	46	138	10	14	1	163
" "	- -	14	33	47					
" "	75	10	40	50					
Dec. "	- -	20	34	54					
" "	- -	8	42	50					
" "	- -	13	35	48					
" "	- -	5	22	27					
Jan. 1869	- -	11	45	56					
" "	- -	18	51	69					
" "	- -	8	34	42					
" "	- -	18	34	52					
" "	- -	11	47	58					
Feb. "	- -	11	43	54					
" "	- -	14	31	45					
" "	- -	11	41	52	147	6	7	3	163
" "	- -	12	46	58					
March "	- -	19	43	62					
" "	- -	12	35	47					
" "	- -	17	45	62					
" "	- -	10	41	51					
April "	- -	18	41	59					
" "	- -	10	36	46					
" "	- -	19	53	72					
" "	- -	18	49	67					
May "	- -	14	23	37	109	- -	–	–	109
" "	- -	13	44	57					
" "	- -	14	51	65					
" "	- -	17	41	58					
" "	- -	22	63	85					

Metropolitan Police Office, 12 July 1869.

F. M. Mallalieu.

E. Y. W. Henderson,
The Commissioner of Police of the Metropolis.

SHEERNESS DISTRICT.

RETURN of the Number of PROSTITUTES brought under the Provisions of the CONTAGIOUS DISEASES ACT, 1866, for each Week during the Year (June 1868 to May 1869 inclusive).

WEEK ENDED	Number of Beds in Lock-Wards of Hospital.	Number Admitted to Hospital on Certificates of Visiting Surgeon.	Number Examined and found Free from Disease.	Total Number brought under the Provisions of Act.	Number Discharged from Hospital.				Total Number Discharged
					Number Discharged Free from Disease, who still follow their former Pursuits.	Number who have Entered Homes, &c.	Number who have Returned to their Friends.	Number Discharged as Incurable.	
6 June 1868	-	7	14	21					
13 „ „	-	4	18	22	4	- -	1	—	5
20 „ „	- -	- -	8	8					
27 „ „	-	1	2	3					
4 July „	-	1	1	2					
11 „ „	-	- -	2	2					
18 „ „	-	- -	- -	- -					
25 „ „	-	2	3	5					
1 August „	-	2	2	4					
8 „ „	-	- -	3	3					
15 „ „	-	1	1	2	15	- -	2	—	17
22 „ „	-	- -	4	4					
29 „ „	-	2	1	3					
5 Sept. „	-	3	22	25					
12 „ „	-	2	24	26					
19 „ „	-	2	5	7					
26 „ „	-	- -	5	5					
3 October „	-	- -	1	1					
10 „ „	-	- -	2	2					
17 „ „	-	- -	3	3					
24 „ „	-	3	2	5					
31 „ „	-	- -	4	4					
7 Nov. „	-	- -	4	4					
14 „ „	-	1	3	4	13	- -	1	—	14
21 „ „	-	- -	2	2					
28 „ „	5	- -	2	2					
5 Dec. „	-	2	22	24					
12 „ „	-	2	28	30					
19 „ „	-	3	9	12					
26 „ „	-	1	- -	1					
2 Jan. 1869	-	- -	- -	- -					
9 „ „	-	4	1	5					
16 „ „	-	2	2	4					
23 „ „	-	3	1	4					
30 „ „	-	1	3	4					
6 Feb. „	-	4	- -	4					
13 „ „	-	1	2	3	23	- -	2	—	25
20 „ „	-	2	5	7					
27 „ „	-	1	2	3					
6 March „	-	1	31	32					
13 „ „	-	2	26	28					
20 „ „	-	3	8	11					
27 „ „	-	1	2	3					
3 April „	-	1	- -	1					
10 „ „	-	3	- -	3					
17 „ „	-	- -	1	1					
24 „ „	-	1	2	3					
1 May „	-	1	1	2	11	- -	—	—	11
8 „ „	-	- -	2	2					
15 „ „	-	- -	4	4					
22 „ „	-	2	1	3					
29 „ „	-	1	3	4					

F. M. Mallal

Metropolitan Police Office,
12 July 1869.

E. Y. W. Henderson,
The Commissioner of Police of the Metropolis.

PORTSMOUTH DISTRICT.

RETURN showing the Number of PROSTITUTES brought under the Provisions of the CONTAGIOUS DISEASES ACT, 1866, for each Week during the Year (June 1868 to May 1869 inclusive).

WEEK ENDED	Number of Beds in Lock Wards of Hospital.	Number Admitted to Hospital on Certificates of Visiting Surgeon.	Number Examined and found free from Disease.	Total Number brought under the Provisions of the Act.	Number Discharged from Hospital.				TOTAL Number Discharged.
					Number Discharged free from Disease, who still follow their former Pursuits.	Number who have Entered Homes, &c.	Number who have Returned to their Friends.	Number Discharged as Incurable.	
7 June - 1868	- -	35	48	83	9	1	–	–	10
4 „ „	- -	32	56	88	2	- -	1	–	3
1 „ „	- -	19	28	47	15	- -	–	1	16
8 „ „	- -	20	50	70	8	2	1	–	11
5 July „	- -	26	85	111	8	- -	–	–	8
2 „ „	- -	8	12	20	14	1	2	1	18
9 „ „	- -	17	22	39	19	2	1	1	23
6 „ „	- -	14	20	34	22	1	2	–	25
2 August „	- -	17	70	87	15	1	–	–	16
9 „ „	- -	29	59	88	20	3	3	–	26
6 „ „	- -	11	12	23	16	- -	1	–	17
3 „ „	- -	12	27	39	25	1	2	–	28
0 „ „	- -	35	144	179	18	- -	1	–	19
6 Sept. „	- -	21	21	42	21	- -	2	–	23
3 „ „	- -	9	3	12	7	1	3	–	11
0 „ „	- -	8	4	12	9	- -	1	–	10
7 „ „	- -	16	23	39	15	1	1	2	19
4 October „	- -	16	5	21	18	1	–	–	19
1 „ „	- -	22	42	64	17	- -	1	–	18
8 „ „	- -	21	14	35	19	2	–	2	23
5 „ „	- -	10	6	16	11	- -	2	–	13
1 Nov. „	- -	15	19	34	16	1	–	1	18
8 „ „	- -	17	40	57	13	- -	1	–	14
5 „ „	- -	14	33	47	20	2	2	1	25
2 „ „	- -	18	41	59	14	1	–	–	15
9 „ „	- -	20	55	75	15	- -	1	–	16
6 Dec. „	120	10	26	36	16	1	1	1	19
3 „ „	- -	21	52	73	15	2	1	2	20
0 „ „	- -	14	81	95	18	- -	2	–	20
„ „	- -	16	79	95	14	3	–	–	17
3 Jan. - 1869	- -	22	53	75	17	- -	1	1	19
0 „ „	- -	17	84	101	18	2	–	1	21
„ „	- -	21	137	158	8	1	1	–	10
„ „	- -	12	57	69	21	- -	–	–	21
„ „	- -	18	133	151	17	2	1	1	21
Feb. „	- -	9	141	150	16	1	1	1	19
„ „	- -	15	112	127	12	1	–	–	13
„ „	- -	16	160	176	14	1	1	1	17
„ „	- -	18	160	178	20	- -	–	–	20
March „	- -	20	132	152	18	2	2	1	23
„ „	- -	18	127	145	9	- -	1	–	10
„ „	- -	13	183	196	17	2	1	1	21
„ „	- -	12	125	137	15	2	2	–	19
April „	- -	18	137	155	8	- -	1	–	9
„ „	- -	16	179	195	14	1	2	1	18
„ „	- -	21	149	170	20	1	1	–	22
„ „	- -	18	133	151	15	1	2	–	18
May „	- -	13	166	179	15	1	1	–	17
„ „	-	18	141	159	15	- -	2	–	17
„ „	- -	15	176	191	11	2	1	1	15
„ „	- -	17	158	175	16	- -	2	–	18
„ „	- -	14	216	230	12	1	1	–	14

Metropolitan Police Office,
12 July 1869.

F. M. Mallalieu.

E. Y. W. Henderson,
The Commissioner of Police of the Metropolis.

DEVONPORT DISTRICT.

RETURN of the Number of PROSTITUTES brought under the Provisions of the CONTAGIOUS DISEASES ACT, 1866, for each Week during the Year (June 1868 to May 1869 inclusive).

WEEK ENDED	Number of Beds in Lock-Wards of Hospital.	Number Admitted to Hospital on Certificates of Visiting Surgeon.	Number Examined and found free from Disease.	Total Number brought under the Provisions of the Act.	Number Discharged from Hospital.				Total Number Discharged.
					Number Discharged free from Disease, who still follow their former Pursuits.	Number who have Entered Homes, &c.	Number who have Returned to their Friends.	Number Discharged as Incurable.	
6 June 1868	- -	20	9	29	21	- -	2	–	23
13 „ „	154	35	24	59	26	2	–	–	28
20 „ „		24	10	34	20	- -	2	–	22
27 „ „	- -	27	5	32	20	1	–	–	21
4 July „	- -	35	5	40	20	- -	–	3	23
11 „ „	- -	14	11	25	17	- -	1	–	18
18 „ „	- -	29	5	34	27	1	–	1	29
25 „ „	- -	33	9	42	31	2	–	–	33
1 August „	- -	31	22	53	30	1	–	–	31
8 „ „	- -	36	11	47	25	1	–	2	28
15 „ „	- -	19	9	28	29	- -	1	1	31
22 „ „	- -	35	29	64	39	2	2	–	43
29 „ „	- -	54	15	69	29	1	–	4	34
5 Sept. „	- -	40	19	59	45	1	–	–	46
12 „ „	- -	33	38	71	34	1	–	–	35
19 „ „	- -	35	58	93	31	4	–	–	35
26 „ „	- -	30	63	93	39	2	–	–	41
3 October „	- -	30	66	96	35	- -	–	–	35
10 „ „	- -	18	54	72	32	- -	1	–	33
17 „ „	- -	26	61	87	21	1	–	–	22
24 „ „	- -	23	63	86	23	3	–	–	26
31 „ „	- -	35	73	108	22	5	–	–	27
7 Nov. „	- -	44	74	118	30	2	–	–	32
14 „ „	- -	33	84	117	35	1	–	–	36
21 „ „	- -	55	55	110	33	1	1	1	36
28 „ „	- -	37	73	110	28	- -	–	–	28
5 Dec. „	- -	18	87	105	32	- -	–	–	32
12 „ „	- -	42	91	133	37	1	–	–	38
19 „ „	162	33	86	119	28	1	–	–	29
26 „ „	- -	21	32	53	28	- -	1	1	30
2 Jan. 1869	- -	42	106	148	34	- -	–	–	34
9 „ „	- -	26	90	116	21	- -	–	1	22
16 „ „	- -	27	75	102	22	3	–	–	25
23 „ „	- -	32	130	162	38	- -	–	1	39
30 „ „	- -	38	115	153	32	- -	2	2	36
6 Feb. „	- -	35	118	153	33	1	2	1	37
13 „ „	- -	39	121	160	35	1	–	1	37
20 „ „	- -	39	117	156	33	1	–	–	34
27 „ „	- -	31	113	144	38	2	1	–	41
6 March „	- -	44	124	168	28	- -	–	3	31
13 „ „	- -	29	145	174	29	1	–	2	32
20 „ „	- -	27	124	151	24	4	–	–	28
27 „ „	- -	12	74	86	29	1	–	1	31
3 April „	- -	37	147	184	31	1	–	–	32
10 „ „	- -	36	102	138	33	- -	–	2	35
17 „ „	- -	28	120	148	34	- -	1	–	35
24 „ „	- -	31	104	135	30	1	–	–	31
1 May „	- -	29	100	129	27	1	1	1	30
8 „ „	- -	35	85	120	33	1	–	1	35
15 „ „	- -	28	95	123	32	- -	–	–	32
22 „ „	- -	35	132	167	26	- -	–	1	27
29 „ „	- -	24	110	134	38	1	–	1	40

F. M. Mallalieu.

Metropolitan Police Office,
12 July 1869.

E. Y. W. Henderson,
The Commissioner of Police of the Metropolis.

REPORT

FROM THE

SELECT COMMITTEE

ON

CONTAGIOUS DISEASES ACT (1866);

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
8 *July* 1869.

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I N D E X

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306—I.

I N D E X.

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Coldstream Guards. Grounds of the conclusion that the system of periodical examination in the Coldstream Guards is not successful in reducing the amount of secondary disease, *Balfour* 1160-1171.

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Colonies. Estimate in the present year of 3,000 *l.* for the purposes of the Act in the colonies, as regards the Army, *Greene* 754.

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Crimes and Offences. Very few crimes or offences now committed by the prostitutes at Aldershot, *Barr* 598.

Return showing the number of persons who have been brought before magistrates for offences against the Act, for the year ended May 1869, *App.* 93.

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Reference to a certain return (*App.* 85), as showing the limited amount of disease in the soldiers at Plymouth and Devonport, and also the non-virulent character of the disease during the present year, *Sloggett* 173–178——Very great difficulty experienced through the area being circumscribed to five miles; suggested extension to fifteen miles, *ib.* 179–196. 207–209.

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Number of women discharged from the Royal Albert Hospital as pregnant or as incurable, during the five months ending 31st May 1869, *App.* 86.

Return, and abstract thereof, of lock cases passed through the hospital between the 3rd December 1863 and the 31st March 1869, giving the respective per-centages of syphilitic and gonorrhœa cases, and showing the striking reduction in the former. *App.* 91, 92.

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Gravesend. The Act might with advantage be applied to Gravesend, *Balfour* 1152——Approval of Gravesend and certain adjacent places being brought under the Act, *Mallalieu* 1467. 1483–1485.

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TO THE

REPORT

FROM THE

SELECT COMMITTEE

ON

CONTAGIOUS DISEASES ACT (1866).

Ordered, by The House of Commons, *to be Printed,*
8 *July* 1869.

306—I.

Under 3 *oz.*

REPORT

FROM THE

JOINT COMMITTEE OF THE HOUSE OF LORDS AND THE HOUSE OF COMMONS,

ON THE

DESPATCH OF BUSINESS IN PARLIAMENT;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
2 *August* 1869.

Tuesday, 16*th March* 1869.

Ordered, THAT a Select Committee of Six Members be appointed to join with the Select Committee appointed by the House of Lords, as mentioned in their Lordships' Message of Monday 15th March, to consider whether any facilities can be given for the Despatch of Business in Parliament, especially in regard to the relations of the two Houses:—

Committee nominated:—

Sir George Grey.	Mr. Walpole.
Mr. Disraeli.	Mr. Dodson.
Mr. Bouverie.	Colonel Wilson Patten.

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Three be the quorum of the Committee.

Thursday, 18*th March* 1869.

Ordered, THAT the Select Committee appointed to join with the Committee appointed by the Lords, to consider whether any facilities can be given for the despatch of business in Parliament, especially in regard to the relations of the two Houses, do meet the Lords' Committee in the Painted Chamber this day at half after Three of the clock.

Ordered, THAT the Committee appointed to join with the Committee of the Lords have power to agree in the appointment of a Chairman of such joint Committee.

Monday, 2*nd August* 1869.

Ordered, THAT the Committee have power to report their Opinion and Observations, together with the Minutes of Evidence taken before them, to The House.

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REPORT.

THE SELECT COMMITTEE appointed to join with the Select Committee appointed by the House of Lords, as mentioned in their Lordships' Message of Monday 15th March, to consider whether any facilities can be given for the DESPATCH of BUSINESS in PARLIAMENT, especially in regard to the relations of the two Houses:——HAVE considered the matters to them referred, and have agreed to the following REPORT:—

THAT the Committee have met, and having jointly considered the subject-matter referred to them, and taken evidence thereupon, have agreed to the following Report, viz.:—

1. The Committee have considered the provisions of a Bill introduced into the House of Lords at the beginning of this Session by the Marquess of Salisbury, intituled, "An Act to facilite Proceedings on Bills in Parliament," the principal object of which was to enable either House of Parliament to resume, in a subsequent Session, Proceedings on Bills for which there had not been sufficient time for due consideration in the previous Session, thereby providing for a due supply of Bills to be submitted to the consideration of the House of Lords, early in the Session, avoiding the crowds of Bills at a later period, and spreading the legislative business more equally over the Session in both Houses. It was proposed by Viscount Eversley and Lord Redesdale to attain the same objects by Standing Orders. (*See* Appendix.)

2. The Committee admit, with some qualification, the existence of the evil which it is proposed to correct, but are of opinion that it can only be remedied by general consent, and believe that there are objections to all the proposed modes of obviating it which make it unlikely that the House of Commons would take a different view now from that which they took in 1848, when a Bill moved by the Earl of Derby, and passed through the House of Lords, was referred to a Select Committee of the House of Commons, who declined to recommend it for adoption.

3. The Committee are of opinion that considerable expedition might be made in the progress of legislation if more Bills, especially those of a legal or ecclesiastical character, were to orginate in the House of Lords. It seems to them, however, that the arrangement of public business between the two Houses can only be left to the discretion of Her Majesty's Ministers, having regard to the character and importance of the different measures introduced, and the opportunities afforded for discussing them in either House.

4. The difficulties to which Ministers are exposed in this respect exist not only in reference to Bills which originate in the House of Commons. It not unfrequently happens that the consideration by the House of Commons of Bills which have passed through the House of Lords at an early period of the Session is delayed for a considerable time; an illustration of which may be afforded by examples during the present Session. The Habitual Criminals Bill was introduced into the House of Lords on the 26th of February and sent to

the House of Commons on the 8th of April, and up to the present time no opportunity has arisen for discussing or forwarding that important measure. Again, the Parochial Schools (Scotland) Bill was introduced into the House of Lords on the 26th of February, and sent to the House of Commons on the 11th of June; but it was not until the 27th of July that any opportunity was given for discussing its provisions. Hence it will be seen that the excessive pressure of business in the House of Commons, while it occasions inconvenient delay in sending up to the House of Lords, Bills which have originated in the House of Commons, at the same time obstructs the passage through that House, of Bills which have originated in the House of Lords.

Vide Appendix.

5. The Committee have been favoured with a memorandum by the Earl Russell, proposing a change in the financial year from the 31st of March to the 30th of June, by which means, in his Lordship's opinion, the House of Commons would have all the time from the meeting of Parliament to the end of April for discussing measures intended to be sent up to the House of Lords. However, the Committee are of opinion that this change would be open to one great objection, viz., that it would involve the postponement of the Annual Financial Statement of the Chancellor of the Exchequer from April till July, and the passing of the necessary financial measures would consequently be delayed till a very late period of the Session; indeed, it is probable that this change would protract rather than shorten the ordinary duration of the Session.

6. Several relaxations have been made by the House of Commons as to their privileges since the year 1849, which have materially facilitated the Private Bill Legislation in the House of Lords. The first had reference to pecuniary penalties and fees, whereby the Amendments to numerous Bills, in which such penalties were necessarily imposed, have been greatly simplified (*vide* S. O. 24th July 1849). Again, in the year 1858, the House of Commons agreed not to insist upon its privileges in regard to any clauses in Private Bills sent from the House of Lords, referring to tolls and charges for services performed, not in the nature of a tax.

7. In order further to facilitate the Private Bill Legislation, the Committee are of opinion that it is expedient that the House of Commons should not insist on its privileges in regard to local rates in the case of Private Bills, or in the case of Public Bills confirming Provisional Orders.

8. They have also considered it expedient that Opposed Private Bills should be referred to a Joint Committee composed of Members of both Houses, and they are of opinion that this change would introduce greater simplicity and rapidity of proceeding, and a corresponding economy. When this subject was considered in 1854, it was supposed to be one of the privileges of the House of Commons that on Joint Committees the Members of that House must be double the number of the Lords, which would have rendered the adoption of that plan impracticable. It is now well understood that the numbers from each House serving on Joint Committees should be equal.

9. The Committee believe that the appointment of a Joint Standing Order Committee would remove the inconvenience arising from a difference of opinion between the two Houses, which sometimes leads one House to reject a Bill, after a decision in the other House allowing the same to proceed. This scheme is very much facilitated by the fact that the Standing Orders of the two Houses are now practically identical.

The following are the RESOLUTIONS agreed to by the Committee:—

"1. That it is expedient that Opposed Private Bills should be referred to a Joint Committee composed of Members of both Houses.

"2. That the House of Commons should not insist on its privileges in regard to Local Rates in the case of Private Bills, or in the case of Public Bills confirming Provisional Orders.

"3. That the Chairman of Committees of the House of Lords, and the Chairman of Ways and Means in the House of Commons, should confer at the commencement of every Session, as at present, and determine in which House the respective Bills should be first considered.

"4. That all Petitions against a Private Bill should be deposited in both Houses

Houses within fourteen days after the First Reading of the Bill in the House in which it commences.

" 5. That a Joint Standing Orders Committee of Lords and Commons should be appointed at the commencement of every Session, with power on each occasion of meeting to appoint a Chairman.

" 6. That each House should appoint a Committee of Selection, consisting of Five Members. That each Committee of Selection should have power to confer with the corresponding Committee of the other House, and should appoint Members from its own House to sit jointly with any Committee of the other House on Opposed Private Bills.

" 7. That the Joint Committees on Opposed Private Bills should consist of Three Members of each House.

" 8. That one of the Members of the Committee of the House to which the Bill belongs, to be named by the Committee of Selection of such House, should be Chairman of the Joint Committee.

" 9. That all Members of such Committees, including the Chairman, should vote, and if the votes are equally divided, that the question should be negatived.

" 10. That the Committee should report the Bill to that House by which it was referred; and that a copy of such Report should be deposited in the Private Bill Office of the other House.

" 11. That the Bill, on being reported, should pass through its customary stages, as heretofore, in that House in which it originated; and should be open to amendments, and to re-commitment. That, in case of re-commitment, the Bill should be referred to the former or to some other Joint Committee, as may be expedient.

" 12. That when a Private Bill has been passed through its several stages and sent to the other House, it should be treated in the latter House as an Unopposed Bill; unless, in any special case, the House should order it to be re-committed. That the Bill, in such case, should be referred to the former or to some other Joint Committee, as may be expedient.

" 13. That Unopposed Bills continue to be treated according to the existing Standing Orders of both Houses.

" 14. That a Joint Committee of Referees on *locus standi* should be appointed, with power to frame general rules in regard to the right of Petitioners to be heard against Private Bills, such rules to be laid upon the Tables of both Houses.

" 15. That the Joint Committee of Referees should consist of the Chairman of the Lords' Committees, one other Member of the House of Lords to be appointed by that House, the Chairman of Ways and Means, one other Member of the House of Commons to be appointed by the Speaker, and the Counsel to the Chairman of Committees and the Speaker's Counsel as Official Referees; Three to be a Quorum, with power on each occasion of meeting to appoint a Chairman.

" 16. That all questions relating to the *locus standi* of Petitioners against Bills belonging to either House should be heard and determined by such Committee of Referees, without prejudice, however, to the power of the Joint Committee to which any Bill is referred to decide upon any such question arising incidentally in the course of their proceedings.

" 17. That all Members of the Committee of Referees, including the Chairman, should vote, and if the votes are equally divided, that the question should be negatived."

And the Committee have directed the Minutes of Evidence taken before them, together with an Appendix, to be reported to both Houses.

2 *August* 1869.

PROCEEDINGS OF THE COMMITTEE.

Friday, 19*th March* 1869.

PRESENT:

Marquess of Salisbury.	Sir George Grey.
Earl Granville.	Mr. Disraeli.
Viscount Eversley.	Mr. Bouverie.
Viscount Halifax.	Mr. Walpole.
Lord Redesdale.	Mr. Dodson.
	Colonel Wilson Patten.

Order of The House, 18th March 1869, read, as follows:—

Ordered, "That the Select Committee appointed to join with the Committee appointed by the Lords, to consider whether any facilities can be given for the despatch of business in Parliament, especially in regard to the relations of the two Houses, do meet the Lords' Committee in the Painted Chamber this day at half after Three of the clock."

The Earl GRANVILLE was called to the Chair.

The Committee deliberated.

[Adjourned till Friday, 9th April, at Two o'clock.

Friday, 9*th April* 1869.

PRESENT:

Earl GRANVILLE, in the Chair.

Marquess of Salisbury.	Sir George Grey.
Earl of Derby.	Mr. Disraeli.
Viscount Eversley.	Mr. Walpole.
Viscount Halifax.	Mr. Dodson.
Lord Redesdale.	Colonel Wilson Patten.

The Committee deliberated.

[Adjourned till Thursday next, at Two o'clock.

Thursday, 15*th April* 1869.

PRESENT:

Earl GRANVILLE, in the Chair.

Viscount Eversley.	Sir George Grey.
Lord Redesdale.	Mr. Disraeli.
Viscount Halifax.	Mr. Walpole.
	Colonel Wilson Patten.
	Mr. Dodson.

Sir *Thomas Erskine May*, examined.

The Committee deliberated.

[Adjourned till Monday next, at Two o'clock.

Monday, 19*th April* 1869.

PRESENT:

EARL GRANVILLE, in the Chair.

Viscount Eversley.	Sir George Grey.
Lord Redesdale.	Mr. Dodson.
Marquess of Salisbury.	Colonel Wilson Patten.
Viscount Halifax.	Mr. Walpole.

The Committee deliberated.

[Adjourned till Monday next, at Two o'clock.

Monday, 26*th April* 1869.

PRESENT:

EARL GRANVILLE, in the Chair.

Lord Redesdale.	Mr. Dodson.
Viscount Eversley.	Sir George Grey.
Viscount Halifax.	Mr. Walpole.
	Colonel Wilson Patten.

The Committee deliberated.

Resolutions to be proposed by Mr. *Dodson*, read, as follows:—

"1. That it is expedient that Opposed Private Bills should be referred to a Joint Committee composed of Members of both Houses.

"2. That the House of Commons should not insist on its privileges in regard to Local Rates in the case of Private Bills.

"3. That the Chairman of Committees of the House of Lords, and the Chairman of Ways and Means in the House of Commons, should confer at the commencement of every Session, as at present, and determine in which House the respective Bills should be first considered.

"4. That all Petitions against a Private Bill should be deposited in both Houses within days of the Reading of the Bill in the House in which it commences.

"5. That a Joint Standing Orders Committee of Lords and Commons should be appointed at the commencement of every Session.

"6. That each House should appoint a Committee of Selection, consisting of Five Members. That each Committee of Selection should have power to confer with the corresponding Committee of the other House, and should appoint Members from its own House to sit jointly with any Committee of the other House on Opposed Private Bills.

"7. That the Joint Committees on Opposed Private Bills should consist of Three Members of each House.

"8. That one of the Members of the Committee of the House to which the Bill belongs, to be named by the Committee of Selection of such House, should be Chairman of the Joint Committee.

"9. That all Members of such Committees, including the Chairman, should vote, and if the votes are equally divided, that the question should be negatived.

 "10. That

"10. That the Committee should report the Bill to that House by which it was referred; and that a copy of such Report should be deposited with the Chairman of Committees, in the other House.

"11. That the Bill, on being reported, should pass through its customary stages, as heretofore, in that House in which it originated; and should be open to amendments, and to re-commitment. That, in case of re-commitment, the Bill should be referred to the former or to some other Joint Committee, as may be expedient.

"12. That when a Private Bill has been passed through its several stages and sent to the other House, it should be treated in the latter House as an Unopposed Bill; unless, in any special case, the House should order it to be re-committed. That the Bill, in such case, should be referred to the former or to some other Joint Committee, as may be expedient.

"13. That Unopposed Bills may continue to be treated according to the existing Standing Orders of both Houses.

"14. That similar Standing Orders should be agreed upon and adopted by the two Houses, containing general rules in regard to the right of Petitioners to be heard against Private Bills.

"15. That a Joint Committee of Referees on *locus standi* should be appointed.

"16. That the Joint Committee of Referees should consist of the Chairman of the Lords' Committees, one other Member of the House of Lords to be appointed by , the Chairman of Ways and Means, one other Member of the House of Commons to be appointed by , and all Official Referees.

"17. That all questions relating to the *locus standi* of Petitioners against Bills belonging to either House should be heard and determined by a Court of Referees, without prejudice, however, to the power of the Joint Committee to which any Bill is referred to decide upon any such question arising incidentally in the course of their proceedings.

"18. That the Joint Committee of Referees should, from time to time, appoint from among themselves a Court of Referees. If at any time the state of business require it, and the number of Referees be sufficient, a second Court may be appointed.

"19. That a Court of Referees should consist of four Referees, of whom one at least shall be a Member of the House of Lords, and one other a Member of the House of Commons. The Chairman of the Court to be a Member of the House to which the Bill petitioned against belongs. Three to be a quorum.

"20. That all Members of a Referee Court, including the Chairman, should vote, and if the votes are equally divided, that the question should be negatived."

Motion made, and Question put, "1. That it is expedient that Opposed Private Bills should be referred to a Joint Committee composed of Members of both Houses"—(Mr. *Dodson*).—The Committee divided:

Contents, 6.	Not Content, 1.
Mr. Dodson.	Lord Redesdale.
Mr. Walpole.	
Viscount Eversley.	
Earl Granville.	
Viscount Halifax.	
Sir George Grey.	

Proposed Resolution 2, amended, and *agreed to.*

Proposed Resolution 3, *agreed to.*

Proposed Resolutions 4, 5, amended, and *agreed to.*

Proposed Resolutions 6–9, *agreed to.*

Proposed Resolution 10, amended, and *agreed to.*

Proposed Resolutions 11, 12, *agreed to.*

Proposed Resolution 13, amended, and *agreed to.*

Proposed Resolution 14, *negatived.*

Proposed Resolutions 15–17, amended, and *agreed to.*

Proposed Resolutions 18, 19, *negatived.*

Proposed Resolution 20, amended, and *agreed to.*

[Adjourned till Monday, 2nd August 1869.

Monday, 2nd August 1869.

PRESENT:

Earl GRANVILLE, in the Chair.

Viscount Eversley.	Mr. Walpole.
Colonel Wilson Patten.	Mr. Dodson.
Mr. Bouverie.	Mr. Disraeli.

The Committee deliberated.

DRAFT REPORT proposed by the Chairman read the first and second time, amended, and *agreed to.*

Question, That Mr. Dodson be instructed to make the said Report to the House of Commons.

To Report.

MINUTES OF EVIDENCE.

Die Jovis, 15° *Aprilis*, 1869.

PRESENT:

Earl GRANVILLE.	Sir GEORGE GREY.
Viscount EVERSLEY.	Mr. DISRAELI.
Viscount HALIFAX.	Mr. WALPOLE.
Lord REDESDALE.	Mr. DODSON.
	Colonel WILSON PATTEN.

THE EARL GRANVILLE, IN THE CHAIR.

SIR THOMAS ERSKINE MAY, K.C.B., is called in; and Examined, as follows:

Sir *T. E. May*, K.C.B.

15th April 1869.

1. *Chairman.*] YOU are the Clerk Assistant to the House of Commons, are you not?

I am.

2. You are familiar with the proceedings before Committees relating to Public and Private Business, are you not?

Yes; I have watched with great attention the various Committees which have sat in both Houses of Parliament upon Public and Private Business, and I have been examined as a Witness by several of them.

3. Do you consider that the recommendations of those Committees have generally been successful?

The recommendations of the Committees which have related to proceedings within the House of Commons, have been generally admitted to be successful. It must be stated, however, that those recommendations have had reference to the limitation of occasions for debate, rather than to any limitations upon debate itself. As it has been accepted as a principle, in the House of Commons, that there should be no restriction upon freedom of discussion, the individual rights of Members have always been protected by these different Committees. Hence, notwithstanding an improved procedure, the progress of business is still embarrassed by the number and length of debates.

4. Will you state what changes have been made in the proceedings between the two Houses?

With regard to the proceedings between the two Houses, some unimportant changes have been made which, perhaps, I may mention in passing. With regard to messages, they have been simplified, and the occasions for conferences have been reduced in number. In fact, there are scarcely any occasions now in which a conference is found to be necessary. That, to a certain extent, simplifies the proceedings; but the most material changes have been with reference to the privileges of the House of Commons. The first change, with regard to privilege, was that in 1849, with reference to pecuniary penalties and fees, with which, no doubt, the Committee are well acquainted. That, certainly, has simplified the amendments to numerous Bills in which such penalties are necessarily imposed. Again, in the year 1858, the House of Commons agreed to this Standing Order: "That this House will not insist upon its privileges with regard to any clauses in Private Bills sent from the House of Lords which refer to tolls and charges for services performed, and are not in the nature of a tax." Apart from any recommendations of those Committees, Lord Eversley, while he was Speaker of the House of Commons, introduced a very material change, which has greatly facilitated

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the passing of Bills between the two Houses, namely, the introduction of the system of red ink clauses, which is well known to both Houses. In the year 1849 this system was first introduced in a different form; the amendments which were made by the House of Lords, which infringed upon the privileges of the House of Commons, were then printed in italics; but in the year 1854 it was found more convenient to print them in red ink. Those amendments are not confined to local taxation, but may affect imperial taxation also; all provisions relating to salaries, and other charges of that kind, which the House of Lords think necessary for giving effect to the measure which they are considering, are inserted in their proper places, but are left out on the third reading, and are printed by the House of Commons in red ink, and effect is given to them there, without a word of observation. That certainly has had a very material effect in facilitating the introduction into the House of Lords, of Bills which affect the privileges of the House of Commons. Another arrangement was also introduced by Lord Eversley, in relaxation of the privileges of the House of Commons, which was this: that where any charges were imposed in a Bill introduced into the House of Lords, which were to be provided for by monies hereafter to be voted by Parliament, it was not usual to take exception to provisions of that description,—and for this reason: it was argued that inasmuch as the House of Commons would have hereafter to vote the money required, their privileges were not, in fact, infringed, but that they still had the absolute power of voting or withholding the supplies necessary for the purpose. But, in the year 1860, exception was taken to some clauses of that nature which had been included in the Divorce Court Bill, as brought from the House of Lords; and there was a discussion in the House of Commons, which led to the withdrawal of that previous concession, very much, I confess, to the regret of many of those who are actively engaged in the practical business of Parliament.

5. In your opinion it is unfortunate that that practice should have been relaxed?

I think it was certainly a facility; and the proceedings in Parliament are involved in so many practical difficulties, that one is always glad to see any facility offered to the consideration of Bills.

6. Do you yourself consider the distinction sound as regards the privileges of the House of Commons?

I confess that I myself had been so much familiarised with that practice, that I recognised it as perfectly reasonable; but I should add that that discussion in 1860, regarding the Divorce Court Bill, led to stricter Standing Orders in the House of Commons. Formerly the House of Commons also regarded, in its own proceedings, the distinction between charges absolutely imposed upon the Consolidated Fund, and charges hereafter to be provided for by votes in the Committee of Supply, but in 1866 the Standing Orders were made more stringent, and the same rules are now applied to both classes of Bills.

7. You regret the change, both as regards the proceedings between the two Houses, and as regards the practice of the House of Commons itself?

As regards the practice of the House of Commons itself, I view it as immaterial, because the proceeding is generally taken without much discussion or delay; but I think, as regards the House of Lords, the relaxation which had formerly been made was a useful facility to legislation.

8. Are there any other relaxations which have been made?

The Committee, I believe, are aware that in the year 1848, the Committee upon Public Business, acting mainly upon the evidence of the Speaker, agreed to the following resolution: "That in order to facilitate the passing of Bills through Parliament, this House will not, after the present Session, insist upon its privileges in respect of any Bills, clauses, or amendments, which may be brought from the House of Lords, whereby tolls, rates, or duties are authorised, imposed, or regulated, provided the same shall be assessed and levied by local authorities and for local purposes, and shall not be applied to the public service." That resolution was agreed to by the Committee on the 17th of July 1848, and on the 24th of July it was rescinded; and thus the matter was permitted to remain in its former condition.

9. Does

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9. Does it appear what were the numbers of the Committee for the passing of that resolution, or for the rescinding of it?

Neither the passing of that resolution, nor the rescinding of it, was the subject of a division; therefore one can only see who the Members present were. There appear to have been rather more Members present on the day when it was passed than on the day when it was rescinded; but still there was no division.

10. Have any relaxations been made with regard to local rates?

I have stated that the House of Commons, in the year 1858, relaxed their privileges as regards local tolls and charges, but not as regards rates.

11. Has the question been raised as to further concessions in Public Bills relating to local taxation?

No; since that Committee of 1848, the matter, so far as I know, has never been publicly discussed; and, practically, the evil arising from the assertion of that privilege has been obviated, if not removed, by the system of red ink clauses to which I have just adverted.

12. Supposing that a concession was further made, so that without having recourse to a somewhat anomalous expedient the House of Lords were allowed to originate those Bills, would you see any advantage in that?

As a matter of facility, undoubtedly; all restraints upon the introduction of Bills, indifferently into either House, must have the effect of retarding and impeding the progress of legislation.

13. Do you see any practically bad result which would arise from such a change, supposing the House of Commons were ready to agree to it?

There are certain difficulties, of which the Committee will naturally be aware; but, in considering this question, it is obvious that there is a very considerable difference between imperial and local taxes; and that difference is appreciated by the House of Commons themselves, in their own proceedings. If it is proposed to impose an imperial tax upon the people, then all kinds of safeguards are provided against the Members themselves. As the Committee are aware, it is necessary that the matter should not be presently entered upon, but a further day is appointed for the consideration of the proposal, and it must be proposed in a Committee of the whole House. Again, no private Member is permitted to propose such a tax; it must proceed from a Minister of the Crown, or be in some other form declared to be necessary for the public service. But in the case of a local tax, any Member may rise at once, and bring in a Bill to impose heavy local burdens. That is so material a distinction in the proceedings of the House of Commons, that it is impossible not to take notice of it, and to observe that the House of Commons themselves plainly draw a very great distinction in regard to the character of the two classes of taxes. At the same time, it must be borne in mind, that those local taxes are matters of very great importance, and are assuming, perhaps every day, a position of even greater prominence. For example, it has been stated in debate, during the present Session, that the local taxation amounts to 20 millions in a year, and some of those local taxes are of a character almost bearing the appearance of a public or imperial tax. Take, for example, the English Poor Law, which involves a taxation of eight millions a year; and the case of the Poor Law in Ireland, which was for the first time introduced in the year 1838. There property, which had been previously altogether free from taxation for the support of the poor, was at once made subject to a heavy burden by an Act of Parliament. Another consideration is the close connection which is now found to exist between local and imperial taxation. For example, the main drainage of the metropolis was effected by a local rate of 3 *d.* in the pound; but the Metropolitan Board of Works were authorised to borrow money upon the security of this rate, and there was a State guarantee for the repayment of the loan. Again, with regard to the metropolitan police, three-fourths of the expense are borne by the poor rates, and the other fourth by an annual vote in Parliament. So also with regard to the county and borough police, where three-fourths are provided out of the rates, and one-fourth by an annual vote of the House of Commons. Then with regard to the Irish police; the Dublin metropolitan police is supported partly by rates, and partly by votes of the House of Commons; while the county constabulary in Ireland is wholly

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supported by votes of Parliament. Again, the expenses of criminal prosecutions, which are borne partly by county rates, and partly by votes of public money; and so with regard to reformatory schools. Hence the connection between local and imperial taxation has become so very close that difficulties may arise in discriminating as to the application of a clause or amendment to one class or to the other.

14. Have you compared the general state of business in the two Houses at the end of the Session?

I have. I need hardly say that the House of Commons is always more pressed with business than the House of Lords, and that pressure continues throughout the whole Session. It is scarcely possible to find any time at which the House of Commons is not pressed, even overmuch; but, by direction of the Speaker, a return has been made to show the state of business in the House of Lords and in the House of Commons in the month of July of three years. In the month of July 1864, the House of Lords sat 20 days, and their total time of sitting was 54 hours and 45 minutes. The average length of each sitting was 2 hours and 44 minutes. In the House of Commons, the House sat 21 days (only one day more), but its total length of sitting was 176 hours and 40 minutes, and its average length of sitting, 8 hours and 24 minutes. The House of Lords only sat once after midnight during that month, and they sat on that occasion 2 hours 15 minutes after midnight. The House of Commons sat on 13 days after midnight, and 25 hours 45 minutes after midnight. The month of July, in the year 1867, discloses somewhat similar results. The House of Lords sat 18 days, and the average length of its sittings was 3 hours 54 minutes. It sat after midnight four times, and the total number of hours after midnight was 3 hours. The House of Commons sat 22 days, occupying 178 hours and 53 minutes, and the average length of its sitting was 8 hours 7 minutes. It sat after midnight 12 times, occupying 24 hours 30 minutes. In the year 1868 the result is very much the same. The House of Lords sat 20 days occupying 53 hours and 45 minutes, and the average sitting was 2 hours and 41 minutes. It did not sit on any occasion after midnight. The House of Commons sat on 24 days, occupying 189 hours, and the average length of their sittings was 7 hours 54 minutes. They sat 14 times after midnight, occupying 32 hours 15 minutes after midnight. It is therefore clear that whatever facilities may be devised for facilitating the business between the two Houses, the House of Commons will always be found overtasked, and will have great difficulty in considering Bills which are received from the House of Lords.

15. Viscount *Eversley.*] You mentioned just now those Bills which were sent down to the House of Commons with clauses in red ink; those clauses are supposed not to be in the Bill, and therefore whatever charges are made upon the public originate in the House of Commons, do they not?

Clearly.

16. With regard to those Bills making charges which are provided for by a Vote in Parliament, which were specially animadverted against in 1860, if I mistake not, the charge upon the people originates with the House of Commons?

Yes.

17. So that the privileges of the House of Commons are not in any way invaded by either of those plans; but really it was rather an admission on the part of the House of Lords than a concession on the part of the House of Commons of privileges existing?

It was so tacitly. No public observation has ever been made upon the new plan, but it has been quietly and, as it were, officially arranged without any public notice of it. That system of red ink clauses, I ought to observe, extends also to that class of amendments to which I have previously adverted, namely, charges which are hereafter to be provided for by votes in the House of Commons. In fact, every description of charge which becomes incident to a Public Bill, when it has originated in the House of Lords, is inserted in red ink in the House of Commons, and is passed in the ordinary and formal manner.

18. I presume that the one great cause why so much of the business is thrown upon the House of Lords at the close of the Session, is that the House of

of Commons are engaged in financial business in the early part of the Session, and they cannot devote their time to legislation; and therefore anything which would really facilitate the business in the House of Commons in the early part of the Session would greatly improve the business of the House of Lords, would it not?

Certainly; I am persuaded that the only material point for consideration is how far the business can be expedited in the House of Commons, for it is there that the delays occur; and I cannot say that they occur at the beginning of the Session only, but they continue throughout. At the present moment, for instance, the Budget was introduced last week, and I think it very doubtful whether it will be discussed again until after Whitsuntide, because to-night the Irish Church Bill is to be in Committee, and the sittings will probably be continuous for a very considerable time.

19. Lord *Redesdale.*] Then the Irish Church Bill is legislation?
It is legislation, and the Budget also.

20. It is devoting more time to legislation than is common in many Sessions, is it not?
There are generally some measures of extraordinary importance which occupy a very considerable part of the Session; certainly it has been so for the last three Sessions before the present.

21. But in the last Session, for instance, that which occupied so much time was not legislation, was it?
Yes, I should say so.

22. Were the resolutions of last Session legislation?
Yes, they were legislation, certainly, as were also the Scotch and Irish Reform Bills.

23. But I am talking of the Irish Church resolutions?
They were preliminary to a Bill which was subsequently passed by the House of Commons.

24. You stated that in consequence of some clauses in the Divorce Bill that came from the House of Lords, an alteration had taken place in the Standing Orders of the House of Commons, making them more stringent; what were the points in that Bill which raised the question of privilege?
Some expenses incident to proceedings in the Court were provided for in the Bill, and they had not been put into red ink, inasmuch as they were expenses which were to be hereafter provided by Parliament; that is to say, voted in Committee of Supply in the annual Estimates.

25. Do you mean that it was an oversight on the part of the House of Lords that those salaries were not sent down in red ink?
Not at all; there had been a previous arrangement or understanding between the two Houses, that in cases of that description the privileges were not insisted upon. It was a mere matter of official regulation. The Speaker, when such clauses were brought to his notice, was accustomed to hold that the privileges of the House did not extend to such cases, or need not be insisted upon.

26. Then what led to the alteration of the Standing Order?
The question was then discussed, first with regard to the privileges of the House of Commons as against the House of Lords; and, subsequently, as to whether more caution was not required in the House of Commons itself, in imposing charges which, when once introduced into a Bill, would necessitate the voting of the money, in order to carry out the intentions of the Legislature. It was thought that a practice not sufficiently strict had previously obtained in the House of Commons itself, and therefore the same rules were applied to charges of that class, as to charges upon the Consolidated Fund.

27. If it is a fair question to ask, what Member of the House of Commons advocated the change and the increased strictness of the Standing Order?
Mr. Ayrton brought it forward. There was no division, but there was a short discussion, and the change in the Standing Orders was assented to.

28. I think the relaxation which has been made with regard to local tolls is at present entirely confined to Private Bills?
That is so.

 29. When

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29. When a red ink clause is sent down by the Lords to the Commons, and is amended in the House of Commons, I suppose it is impossible for the Lords to make any alteration or even objection to that amendment?

The privileges of the House would prevent any such amendment. The amendments are supposed to have originated in the House of Commons, though, in fact, they have been originally devised by the House of Lords; and they are sent up as amendments of the House of Commons to the Bill received from the House of Lords.

30. Therefore they do not quite fulfil all the advantages which would arise from the relaxation of the Orders?

I cannot say that they quite fulfil, in all cases, the objects which might be attained by a relaxation of the privileges; but, at the same time, they have, in a great measure, obviated the inconveniences which were found to exist before.

31. Colonel *Wilson Patten.*] You referred just now to local taxation being almost equivalent to general taxation. Could you draw any distinction between different classes of Bills imposing local taxation, by which the House of Commons could with safety relax their privileges?

If the House of Commons were disposed to relax their privileges, I do not think there could be a better description of the class of Bills than that contained in the resolution of the Committee of 1848, which I have read to the Committee. It exactly indicates the material distinctions between the two classes of taxes; "Provided such taxes shall be assessed and levied by local authorities for local purposes, and shall not be applied to the Public Service." That is the great distinction between public and local taxation; and if the House of Commons were disposed to entertain the question of relaxing their privileges, I do not think it would be possible to express the distinction more accurately than this resolution expresses it.

32. But that resolution embraces the whole of that class of legislation, does it not?

Yes; on Public Bills.

33. My question was with the object of ascertaining your opinion as to whether those particular Bills could be divided into classes, so that, as to some of them, the House of Commons might give way, while they maintained their privileges as to others?

The only class of Public Bills which has occurred to me as distinguishable from other measures of local taxation happens to be so small, and of so little consequence, that it is scarcely worth mentioning; but there are certain Bills which are permissive,—which enable local authorities to impose taxes, without actually imposing taxation. In a case of that sort, I think the privileges of the House of Commons might readily be surrendered; but in the great majority of cases, although the actual amount of the tax is not determined by Act of Parliament, the obligations and the charge are absolute; a certain charge is required to be incurred by the local authorities, and they are obliged to meet the charge by local rates.

34. Sir *George Grey.*] That resolution which was passed by the Committee of 1848, and afterwards rescinded, included, did it not, that class of Bills to which you alluded just now, in which imperial and local taxation is mixed?

Certainly, except that it would have been limited to the local parts of the taxation.

35. Is it not the case in many of those Bills, that the amount of local taxation which the local authorities are empowered to raise determines the absolute charge upon the imperial exchequer; for instance, an increase of the police may be made by the local authorities, and if the police is reported efficient, the charge upon the imperial exchequer increases with the increase of the local police, does it not?

That is so.

36. Therefore it is in the power of the local authorities, in fact, to increase the charge on the imperial exchequer, is it not, supposing the condition of efficiency to be complied with?

That would be so in practice, but at the same time as those votes are annual, and are inserted in the annual estimates, the proportion might, if Parliament

ment thought fit, be varied; but certainly, in practice, that is precisely the case as stated in the question.

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37. What was the Bill that gave rise to the debate in 1860 and to the alteration in practice?

An amendment of the Divorce Court Bill.

38. You stated just now, I think, that if the legislative business of the House could be facilitated in the earlier part of the session, you thought it would be an advantage; have you any information as to the time occupied, say before Easter, and again before Whitsuntide in any year, with the Estimates in the House of Commons?

That will vary very much according to the circumstances of each session. During the present session a very small proportion of the time has been occupied by the Estimates.

39. But is it not constantly the case that the Miscellaneous Estimates are taken late in the session?

Almost always; the Commons generally vote certain sums on account about this time of the year, and the great pressure of the Civil Service Estimates takes place quite late in the session.

40. Then do I correctly understand your recommendation to be, that the Army and Navy Estimates should be put off until the time at which the Civil Service Estimates are now taken?

Certainly not; it did not occur to me to make any such recommendation: in fact, I do not think it could be done. The Mutiny Acts require to be passed early in the year.

41. Do you know how much time in the House of Commons, in July, is spent in considering the Lords' amendments on Bills sent up late?

A short time comparatively. The Lords' amendments on rare occasions occupy many minutes; they are considered usually late at night, and they are passed without much discussion.

42. Probably you have not looked into the proceedings sufficiently to enable you to state what portion of time spent in the House of Commons, in those long sittings, was spent in passing Bills to go to the House of Lords, or in considering Bills which had come down from the House of Lords?

About four-fifths of the Bills, and decidedly those Bills which give rise to the most opposition and discussion, originate in the House of Commons; and I think it may be estimated that at least nine-tenths of the time is occupied by Bills which originated in the House of Commons.

43. And, therefore, the Bills considered in the House of Commons in the long sittings in July would have to be afterwards considered by the House of Lords before the prorogation?

Certainly.

44. *Chairman.*] If no concession should be made as to local rates imposed by Public Bills, do you think it probable that the present restrictions might be relaxed in the case of Private Bills?

Yes, I am unquestionably of that opinion; I think that there is a very clear distinction between Public and Private Bills. In the latter case the parties who are to be taxed, petition Parliament for permission to tax themselves. That is substantially the groundwork of all private legislation; and therefore, I think that a distinction is obvious between the two classes of Bills, and that a relaxation might fairly be proposed in that direction, in completion of the previous concessions which have been made with regard to Private Bills.

45. Have you considered the question of referring the Private Bills to Joint Committees of the House of Lords and the House of Commons?

I have. That matter was considered by a Committee of the House of Commons in the year 1854 among numerous other questions; and at that time and since, I have considered schemes for arranging a Joint Committee of both Houses, provided that both Houses should think fit to institute so novel a procedure.

46. Is your own opinion in favour of such a proceeding?

Certainly it is. I think it would introduce great simplicity and rapidity of

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proceeding; and I am persuaded that if it had been introduced 15 years ago, it would have saved the promoters and opponents of Private Bills many millions in costs.

47. To whatever degree legislation should be required for the future, there would be a corresponding economy?
Certainly.

48. Have you formed any notion of the best proceeding to obtain that end, supposing both Houses were willing to join?
Yes; I had considered the matter in 1854. When the subject was then under consideration, there was one special difficulty which made it almost impossible to suggest any expedient for carrying the scheme into effect. As your Lordship is aware, at that time it was supposed to be one of the privileges of the House of Commons, that on Joint Committees they must be double the number of the Lords; and that pretension made Joint Committees simply impracticable; and in consequence, there had been no such thing as a Joint Committee for 150 years. Fortunately that obstacle has been since effectually removed,—of which this Committee is an example; and now, as it is well understood that in the event of Joint Committees being agreed upon, the number from each House will be equal, I can foresee no practical difficulty in carrying the scheme into successful operation. It appears to me that if the Committee should entertain that view, the proceedings would be simply as follow: In the first place, the privileges of the House of Commons, as I have already said, would be relaxed, so that all Private Bills could be introduced indifferently into either House, according to the desire of the parties who petition. At present, as your Lordship is aware, there are Examiners of Standing Orders, who are common to both Houses. They consider whether the Standing Orders have been complied with, and they report to one House, and certify to the other, that the Standing Orders have or have not been complied with. At present, there are two Standing Order Committees, one for each House. I should propose that there should be a Joint Committee of the House of Lords and of the House of Commons to consider all cases of non-compliance with the Standing Orders which are reported by the Examiners, who are, as I have said, common to both Houses. There would then be no danger of any difference of opinion between the two Houses, which sometimes leads one House to affirm that the parties may be permitted to proceed with their Bill, while there is a contrary decision in the other House. If my suggestion were adopted, there would be a final decision by one Joint Committee; and either the parties would have committed so grave a breach of the Orders that they would not be permitted to proceed, or the majority of the Committee would judge that compliance with the Standing Orders might be dispensed with. I may add, that this scheme is very much facilitated by the fact that the Standing Orders of the two Houses are now practically identical, the difference being simply in the adjudication upon cases of non-compliance. That arrangement, I think, would cause a great saving of expense, and insure the safety of the promoters, who would know at once whether they were to be allowed to proceed or not. I should then propose that each Bill, on having been introduced, let us say, in the first instance, into the House of Commons, should be, as it is now, read a first time and a second time, and that it should then be referred to a Joint Committee of Selection. I would propose that at the commencement of every Session each House should appoint, under its Standing Orders, a Joint Committee of Selection, to whom should be referred the selection of all Private Bill Committees, in whichever House the Bills might originate. This Committee of Selection should select an equal number of Members from both Houses to constitute a Joint Committee to consider every group of Private Bills. In that respect I am proposing to follow precisely the same course of proceeding which is now adopted in each House separately; but I should combine the proceedings, and make them common to both Houses. Then, the question is, what should be the number of a Joint Committee on Opposed Private Bills? I observe that two Members of this Committee have proposed that there should be three Members from each House; and, assuming that there are to be no Referees, that may be a suitable number, though two might possibly suffice; but the Committee are aware that at present the House of Commons have a different practice from that of the House of Lords. They have Referees who sit on Committees with the Members,

who

who are not themselves Members of the House, but who have a vote in the Committee. It would be for the consideration of the House of Lords whether they approved of that system, and thought that it might be beneficially continued under the new arrangement; and if so, instead of appointing three Members from each House, I should venture to suggest that two from each House, with a Referee, would form a competent tribunal to adjudicate upon Private Bills. Then, the Committee having considered a Bill and having reported, we will say, that the Preamble has been proved, the Bill would proceed through the House of Commons in the accustomed form, and having been read a third time, it would proceed to the House of Lords and be there read a first time and a second time; when it would be referred to the Committee on Unopposed Bills, and treated as an unopposed Bill; or it might even be found desirable to negative the question of the Committee altogether, if there were no amendments to be proposed either by the Chairman of Committees of the House of Lords, or by the parties; and then the Bill might proceed through all its stages. I think that such a course as that would conform best with the ordinary proceedings of Parliament, and deviate as little as possible from the different stages which we are accustomed to observe.

49. Did you state how it should be decided in which House the Bill should be originated?

I am not aware that it would be necessary to define in any way with which House the Bill should originate, because, inasmuch as the privileges of the House of Commons, according to this scheme, would no longer prevent Bills being introduced into the House of Lords, whatever their nature might be, it is probable that about an equal number might be introduced into both Houses; but, according to my view, it would be immaterial whether a larger proportion were introduced into the one House or into the other. I observe that in the scheme proposed by Mr. Dodson it is suggested that the Committees on Bills which are introduced into the House of Lords should have a Peer as chairman, and, *vice versâ*, that the Committees on Bills introduced into the House of Commons should have a Member of the House of Commons as chairman. I had not myself contemplated that arrangement, as I thought that the Joint Committee of Selection, when once it was understood that it was not essential that a Peer should always preside, would have ample discretion in determining, in each particular case, who would be the best chairman for the group of Bills, whether he were a Peer or a Member of the House of Commons.

50. Do you think that that arrangement would be better than another alternative, which was that the first Bill should have a chairman belonging to one House, and that the second Bill should have a chairman belonging to the other House?

Either of those plans would work perfectly well; but I think that if it were understood that the House of Lords were prepared to concede that it was not essential that a Peer should always be in the chair of the Joint Committee, but that the presidency of the Committee should be regulated according to the circumstances of each group of Bills, and according to the Members of either House who happened to be available at the time, the arrangement would not be attended with any difficulty.

51. You have referred to the two Papers which Mr. Dodson and Colonel Wilson Patten have had the kindness to lay before the Committee; are there any other observations which you have to make upon them?

No; I think that in the scheme which I have ventured to submit to the Committee I have stated all the material points which have occurred to me.

52. Viscount *Eversley*.] With regard to the presence of a Referee on a Committee, does he sit there as an assessor or as a Member of the Committee?

At present, under the last Standing Orders of the House of Commons, the Referee has a vote, and sits as, in a certain sense, a Member of the Committee, but still it is understood that he is a Referee, and of course not a Member of the House.

53. Are there any other duties now imposed upon Referees?

Yes, a very important duty, which certainly, I think, ought to be continued, as is contemplated in Mr. Dodson's Paper, namely, that of sitting in a court for

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the consideration of questions of *locus standi*. That court has certainly been a very great success, and has saved serious costs to the parties concerned in Private Bill legislation. That is a Court of Referees; but the Referees are further available in assisting the deliberations of Committees.

54. They do not now make any previous inquiry, do they?
No previous inquiry, except as regards questions of *locus standi*; but if the system were adopted, and perpetuated in connection with the Joint Committees of the two Houses, I apprehend that it would be the duty of the Referees to master all the matters connected with Bills before they came on for hearing by the Committees, and that they would become acquainted with the plans and sections, if questions of engineering were involved, and if questions of finance were concerned they would be in communication with the Chairmen of Committees, and would master all the details connected with the companies who were seeking additional powers from Parliament. In that way they might perform functions which it can scarcely be expected that Members of the Committee would undertake, in advance of the ordinary sittings of the Committee.

55. *Chairman.*] Has the system been in operation long enough to show whether a greater consistency of decisions is obtained by it?
The fact is, that the whole scheme has been experimental. In the first instance the Referees had a special duty to perform; they did not hear the whole case, but they heard certain preliminary matters with reference to engineering details, and their decision upon those matters was final, and then the Committee heard the rest; but that in fact involved a double inquiry, which was found to be inconvenient and costly, and a change was therefore made by which the Referees were incorporated with the Committees, and only one inquiry was held instead of two.

56. Mr. *Walpole.*] Might you not get over any difficulty which would arise with regard to the chairman, by having a Chairmen's Panel chosen by the two Houses, and then leaving the Chairmen's Panel to select the chairmen for the different Bills, which from time to time were submitted to the Joint Committee?
That might be done, as was the case with Election Committees, but I scarcely think that it would be desirable; I should rather say that the Joint Committee of Selection would be able to arrange the whole Committee better than two Committees, because in selecting a chairman you naturally see what the composition of the Committee would be, and how far you want more or less strength in the chair.

57. My idea in suggesting that, was the question whether the chairmen themselves could not arrange among themselves better which group they should take?
That could be done if it were thought advisable; but I cannot help thinking that the Joint Committee of Selection would be quite sufficient, without involving the necessity of, practically, another committee for the purpose; I think there would, perhaps, be Chairmen's Panels, but they would be nominated by the Joint Committee of Selection, who would select chairmen from the body.

58. Mr. *Dodson.*] In regard to a tribunal to determine questions of *locus standi*, would you propose one tribunal for both Houses, or one in each House?
One for both Houses, unquestionably.

59. One single court?
One single court.

60. How would you propose to compose that court?
I have thought of it; but not being aware whether the Committee would entertain the proposal, I have not carried it very far. If it were possible that so heavy a duty could be undertaken, I should have said that the best composition of such a court would be the Chairman of the Lords Committees and the Chairman of Committees of the House of Commons and a Referee; or if it were found inconvenient that both the Chairmen should be occupied in that labour, then it might be delegated to some other Peer and the Chairman of Committees in the House of Commons, who is now the *ex officio* Chairman of this Court: or the two Chairmen might divide the business between them.

61. You

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61. You stated, did you not, that you would leave it to the promoters of Bills to exercise their option as to which House they would introduce a Bill in?

Yes; it would substantially make very little difference, because in either case the progress of the Bills at the early stages is very rapid, and equally rapid in both Houses; and they would immediately, on being read a second time, be referred to the Joint Committee of Selection.

62. Do you see any objection to leaving that question as it is now; namely, that it should be arranged between the two Houses in which House they should commence?

Not the least objection. If any advantage is to be derived from an equality of Bills in both Houses, under the Standing Orders, the Chairmen of Committees, in both Houses, are desired to communicate at the beginning of the Session, and to arrange which Bills should commence in either House; and therefore the machinery is already in existence which would accomplish that end, without any difficulty whatever.

63. Lord *Redesdale.*] Your plan of the Joint Committee, I presume, only refers to opposed Bills?

I think there would be no object gained in having a Joint Committee upon unopposed Bills.

64. You would suggest that unopposed Bills should proceed as they do at present, through the House in which they are introduced, and that they should then come as unopposed Bills to the other House?

I think so. I do not contemplate Joint Committees in the case of unopposed Bills.

65. The question in regard to the number of Bills in both Houses, would depend a good deal upon the Bills being opposed or unopposed; there might be a great desire, might there not, on the part of the promoters of Bills to bring unopposed Bills into one House or the other?

Yes; only it is very difficult to foresee whether Bills will be opposed or not, until they are deposited.

66. Do you not think the promoters generally know?

I think they often deceive themselves.

67. How many Committees are generally formed in the House of Commons on opposed Bills before Easter?

That varies very much indeed, of course, according to the circumstances of each Session. This year Parliament met very late, and Easter was unusually early; and therefore I think there were only about four or five groups before Easter. But when Easter falls three weeks later, the proportion would increase.

68. In what manner is the selection of the Members of the House of Commons to serve on Opposed Bill Committees carried out?

By means of the Committee of Selection, and by panels which give notice to Members when they will be called on for service.

69. When a Member is called on for service, he is compelled to serve, is he not?

He is compelled to serve.

70. Are you aware that no such practice exists in the House of Lords?

I am aware that the House of Lords have not found it necessary to enforce so strict a rule as has been adopted in the House of Commons.

71. If this plan of joint Committees were adopted, it would become necessary to have something of the sort in the House of Lords, would it not?

It would be necessary to have the same rules in both Houses. Whether that would be accomplished by any additional strictness in the House of Lords, or by any relaxation of strictness in the House of Commons, it is not for me to say; but certainly the rules ought to be the same. Perhaps I may observe that I should anticipate less difficulty in obtaining both Peers and Members of Parliament to serve on those Committees, as a smaller number would be required, and both Houses would be very much relieved in regard to their personal service.

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72. With regard to your view of the determination of the question of *locus standi*, that, in fact, could only apply to opposed Bills?

Certainly.

73. Therefore, supposing that your plan of the joint Committee were adopted, it would necessarily be one decision for both Houses, would it not?

Certainly. Sometimes the decision of the court of *locus standi* converts an opposed into an unopposed Bill.

74. In the case of a Bill being unopposed, either by the withdrawal of opposition or by the determination that the parties opposing them have no *locus standi*, you would have the Bill referred back to the House to which it belonged in the first instance, to be carried on as an unopposed Bill?

The Joint Committee of Selection would refer it, as the ordinary Committee of Selection does, to the Chairman of Committees and certain Members.

75. It would be treated as an unopposed Bill?

Precisely.

76. Supposing that you made the Referee a member of the Committee, practically, if the Committee remained full, the Chairman would have no vote except a casting vote, would he?

That must be determined by the Standing Orders of the two Houses. The Referee would certainly never be in the chair. Either a Peer or a Member of the House of Commons would always be in the chair.

77. Mr. *Dodson.*] In Private Bill Committees of the House of Commons the Chairman votes, does he not, and has not merely a casting vote?

That is so.

78. Mr. *Walpole.*] When the Bill had gone through the joint Committee, and had gone back to the House in which it originated, and had been passed and sent on to the other House of Parliament, whichever it might be, what stages would you allow to be taken in the other House of Parliament?

It would proceed precisely as the Bill does now, with this exception, that it would not be open to be petitioned against and treated as an opposed Bill, but it would be referred to Lord Redesdale and other Peers as an unopposed Bill, or even the Committee might be negatived altogether if it had been sufficiently considered in the House.

79. Would you really want anything more in that case than one or two motions either equivalent to reading a third time and passing, or that it should be referred back to the Committee?

It must pass through all its stages. By this scheme, supposing it to have originated in the House of Commons, it must subsequently pass through all its stages in the House of Lords.

80. Sir *George Grey.*] It might be negatived on third reading, might it not?

It might.

81. Lord *Redesdale.*] A great many Bills that have been opposed in one House, and Bills that have been unopposed in either House, require amendments after they come from one House to the other, do they not?

Continually.

82. Is it not therefore necessary that it should go to an unopposed Committee?

Yes; I think the revision of the Bill would be more effectual throughout by continuing that unopposed Committee.

83. There have been advantages in a second hearing of a case, have there not?

Yes; there have been advantages and disadvantages; the disadvantages are the very great expense and uncertainty; the advantages are, no doubt, that occasionally, in a second hearing, justice is done to parties who have failed to obtain it on a previous hearing. It is impossible to deny that.

84. Is it not sometimes the case that a point of very great importance has been omitted in a Petition against a Bill in the one House, and it has not been heard at all?

Possibly

Possibly. If there were cases of that sort I think they might be equitably provided for by an alteration of the Standing Orders, so as to give a little more latitude in amending petitions, and on particular occasions in which hardship could be shown, there might be a re-commitment of the Bill, as is the case now in either House.

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85. Would that be a re-committal of the Bill after it had passed from the House in which it originated to the other?

It might be in the event of any peculiar case of hardship or injustice being made out to the satisfaction of the House.

86. To what body would you have the decision left?

I think that it might be arranged in this way, that a petition from the parties complaining of the supposed injustice, and not requiring a general re-hearing, but merely a hearing upon some specified point might be referred to the Joint Standing Order Committee of both Houses, and if that Joint Committee should resolve that, in their opinion, a case had been made out for a re-hearing upon that point, the Bill might be re-committed in that House in which it was then pending. Probably such an arrangement would satisfy all the requirements of the case.

87. You propose a Joint Standing Order Committee; you are aware, are you not, that the practice of Standing Orders Committees of the House of Lords and the House of Commons is different?

Yes, in some minor points.

88. It is different, is it not, in the very important point that the Standing Orders Committee of the House of Commons do not hear the parties?

No; it is their practice to receive written statements.

89. They do not hear the explanation of statements by the parties, do they?

They do not; but that is a matter of procedure which could be governed by the determination of the newly-constituted Committee, and whichever of those two courses was found to be, in practice, the best and most convenient might be adopted. Neither of those practices is in force by virtue of the Standing Orders; it is merely the practice of the Committee, and there have been occasions in which the parties have been heard by the Standing Orders Committee in the House of Commons.

90. Colonel *Wilson Patten.*] You recommend a Joint Committee of Selection; would not that involve some inconvenience, inasmuch as the three Members of the House of Commons would be ignorant of the noble lords most fitted to inquire into a particular subject, as the lords would be equally ignorant of the most fitting Members of the House of Commons to inquire into a particular subject?

Yes; but they would combine their information. The Members of the House of Commons would be familiar with the qualifications of the Members of their House, and the Lords would be equally familiar with the qualifications of the Members of their House; and that communication, I think, would insure the appointment of a very good Committee.

91. But would it not rather put a stop to any confidential communications amongst the Members of Committee of Selection with regard to the interests of the Members of the different Houses?

The Right Honourable Member is much better able to judge of that matter than I can pretend to be; but I cannot myself foresee any difficulty in practically working the scheme.

92. You stated that you would recommend that every Bill should be introduced into one House, and that the parties should have the choice of the House in which they should introduce that Bill; that it should be read a second time in that House, and then referred to a joint Committee, would not that involve this inconvenience, that one of the two Houses would never have the opportunity of expressing its opinion upon the principles of the Bill until it had sat in Committee upon it?

Does the Right Honourable Member mean, inasmuch as one Committee is withdrawn?

93. Supposing a Bill is introduced into the House of Commons, read a second time in the House of Commons, and then referred to a joint Committee of the

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Lords and Commons, the House of Lords would not have had an opportunity of expressing its opinion upon the principle of the Bill till they had been called upon to sit in Committee?

No, and then the same disadvantage, if it be one, would also be suffered by the House of Commons in respect of Bills which originated in the House of Lords; but after the Bill had come from Committee, the House of Lords would be quite at liberty to throw out the Bill if they were not satisfied with it.

94. Would not this occur, that parties would have gone to the expense of contesting a Bill in Committee, and that the Lords or Commons, as it might happen, might differ as to the principle of the Bill, and throw it out on the Second Reading?

Such an accident is unavoidable, so long as there is free discussion of all measures in either House, and such a thing happens under the present system. After a Company has perhaps spent 25,000*l.* in contesting a Bill in the House of Commons, it has not only the ordeal of that House, but a further ordeal of another opposed Committee in the House of Lords, and therefore, even under that supposition, the evil is very much reduced by this scheme.

95. But might not the evil be altogether avoided by the Bill being introduced into both Houses at the commencement of each Session of Parliament, and read a second time; that is to say, that the principle be decided upon by both Houses before it should go to a Committee?

According to my idea, the introducing of a Bill, simultaneously, into both Houses, is an anomaly. I cannot bring myself to approve of the scheme of introducing the Bill into both Houses.

96. Are you aware that in times past it has often happened that the House of Lords have rejected on the Second Reading a Bill which has gone through all its stages in the House of Commons?

Yes; that must also be liable to occur under this system, or under any system. Allow me also to point out how a very great and practical difficulty might occur if Bills were introduced into both Houses simultaneously. Let us suppose that one House should read a Bill a second time and that the other should reject it, that would be a very awkward predicament, because the House of Commons having passed the Second Reading of the Bill would refer it to a joint Committee, and in the meantime the House of Lords would have entirely arrested its further progress.

97. But is it not still more anomalous that one House should be called upon to enter upon amendments to a Bill when it is possible that it may not have recognised the principle of the Bill at all?

It does not appear to me so, because the House of Lords would not have expressed any opinion upon the Bill: it would have been before this joint Committee only, which would have reported to the House in which the Bill was pending, and not to the other House: hence the House of Lords would still be uncommitted with regard to the merits of the Bill, and would be quite free to reject it on the Second Reading, if a good case were made out against it.

98. But is it not a very anomalous proceeding that you should amend a Bill before you have decided upon its principle?

The House of Lords would not have amended it; the House of Commons only would have amended it, and they would send to the House of Lords the Bill comprising the amendments made by the joint Committee.

99. But the joint Committee would have amended the Bill before one of the Houses had decided upon the principle, would it not?

But that is the case in regard to Committees as at present constituted, and the only difference would be that the House of Lords would be in that latter case represented by some Members of its own House upon the Committee, but I do not think that the House would itself be in any degree committed to those amendments. It would receive the Bill from the Commons, and accept, amend, or reject it, according to its own judgment.

100. What greater anomaly than that do you find in introducing the Bills simultaneously?

I do not perceive any anomaly in the first case.

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101. Mr. *Dodson.*] Do you on the Second Reading of a Private Bill affirm the principle of the Bill?

Theoretically you do affirm the principle; but in the case of a Private Bill the principle is so very much intermixed with the facts of the case, of which the House is up to that time necessarily ignorant, and which have to be established before the Committee, that the principle is affirmed in a very different degree from that of a Public Bill; when it goes to a Committee the preamble of the Bill is the real point for consideration by the Committee.

102. Colonel *Wilson Patten.*] Do you recollect the occasion when so many competing lines of railway were brought before Parliament, and when the debate and division always took place upon the Second Reading, and when they rejected some schemes, and approved of others?

Yes; but that practice is scarcely prevalent at the present time; it is customary to refer all competing schemes to Committees; I do not recollect a recent example of that kind.

103. Have you not seen within this last Session or two a great Gas Bill in which one scheme was rejected, and the other adopted by the House?

I cannot myself recall the case alluded to, but even if it were so, I should still contend that the change of practice would not in any way affect the position of those Bills before either House; I should say that either House was quite free to form its judgment on the second reading.

104. Supposing that on a Private Bill of very great importance two schemes were brought before the House of Commons, and the House of Commons selected one of them, and rejected the other, that Bill so adopted by the House of Commons would go according to your proposition before a Joint Committee of the Lords and Commons, and the House of Lords would have to decide upon the amendments of that Bill, not having had the same privilege as the House of Commons had had of adopting one Bill and rejecting the other; would not that be so?

The Lords would certainly not have had an opportunity of discussing the merits of the Bill upon the Second Reading; but that is necessarily the case whenever a Bill is rejected by the Commons.

105. Do you not think that that would be a greater inconvenience than allowing the Bills to come into both Houses at the same time when each House might have the option of deciding which Bill it would take?

I quite perceive your theoretical objection, but I consider it to be only theoretical; I do not anticipate any practical inconvenience which may not equally arise under the existing system.

106. With regard to the Referees, have you observed the system since the appointment of Referees in the House of Commons, and could you give any opinion whether there has been great uniformity in the decisions since their appointment?

I do not pretend to be in a condition to make any statement on that point.

107. With regard to the mode in which Members are selected, you stated that the Committee of Selection had the power of choosing the Members from the House, but that they did it by forming panels; are you aware that at the commencement of every Session the Committee of Selection send a circular to every Member of the House of Commons requesting to know at what period of the Session it would be convenient to him to serve?

I am aware that that practice has obtained for some years.

108. And that the Committee of Selection, out of the Members who name the time to be most convenient to them to serve, select the panels?

Yes.

109. And that that has been found to create less inconvenience to Members from serving on Committees than used to be the case?

Certainly; I think it is a most convenient practice, and it has been appreciated by the Members of the House.

110. You stated that the Committee on Standing Orders in the House of Commons differed from the Standing Order Committee in the House of Lords, inasmuch as in the House of Lords they heard *viva voce* statements, and in the

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House of Commons they took written statements; are you aware that the House of Commons do both, and that if they are not satisfied with a written statement, and if it is not in their opinion conclusive upon the fact, they call in the parties upon *vivâ voce* statements?

Yes; I was speaking in answer to questions by Lord Redesdale as to the general practice, and no doubt there is a difference in their ordinary practice, but both have precisely the same end in view, namely, to ascertain the precise facts of the case.

111. You stated, did you not, that verbal statements were very rare in the House of Commons?

I did not intend to use the expression "verbal statements" of facts; I rather meant arguments. In special cases matters have been argued before the Committee.

112. Are you not aware that there seldom occurs a day in which the Standing Order Committee do not call on some party to explain a statement?

I am glad to hear that that practice is so frequent, because it diminishes the apparent variance between the proceedings of the two Committees.

113. You stated that the former system of referees had been attended with considerable expense; are you quite sure of that?

It was so alleged, but I would not venture to say that it was the fact.

114. You have not seen a calculation which was made of the expense?

There were calculations made upon both sides; but at all events the House of Commons discontinued the former practice of the double inquiry, and substituted the present arrangement.

115. It was the double inquiry, was it not, which involved additional expense?

It was.

116. Sir *George Grey*.] In the event of its being necessary to re-commit a Bill, as you thought it might be occasionally in consequence of the amendments made in the other House upon report, do you think it ought to be re-committed to the same Committee or to a new Committee constituted in the same way?

That would depend, just as cases at present depend, upon the peculiarity of the circumstances. If there were reason to doubt generally the judgment of the Committee it might be, as is sometimes the case now, referred to a new Committee; but in the great majority of cases the reference is to the same Committee, and sometimes it has been to the same Committee with a change of one or two Members; but all those proceedings would be open to consideration when the circumstances arose, and would be completely at the discretion of the House.

117. In this case a second reference to a Committee would probably be after a very considerable interval, would it not?

Most probably; but it might or might not be so.

118. Under present circumstances, if a Bill is re-committed, it is almost immediately after the Report of the first Committee, is it not?

Yes, and that might be so now, perhaps. The objections to the Report of the Committee would be taken immediately upon the consideration of the Bill as amended in the same House; but if it were a month afterwards, it would be still open to the House to re-commit to the same Committee, or to another Committee, and most probably the re-committal would be to the same Committee.

119. Lord *Redesdale*.] Do you not think that it would be absolutely necessary to make some regulation with regard to the House in which the Bill should be introduced, on account of its being necessary that the Bills which are to be grouped together, should be introduced into the same House?

Yes; I think that no arrangement could be more effectual than that which is provided by the existing Standing Orders, that the distribution of the business should be left to your Lordship, and to the Chairman of Committees in the House of Commons.

120. Are

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120. Are you aware that, under the present regulations, the majority of Bills are still introduced in the House of Commons?

Certainly, the great majority.

121. And that the consequence of that is, that the opposition in a great number of cases is not carried on in the House of Lords; would not the effect of the change therefore be, that the labour of the House of Lords would be very much increased, because they would have to take a share in all opposed Bills?

No doubt that is so.

122. You are aware that the number of the Lords is very much smaller than than that of the Commons?

Yes.

123. And also, that taking their Lordships altogether, their age is at least as great as that of the Members of the House of Commons?

Probably about the same.

124. You exempt your Members after a certain age, do you not?

Not at all upon Private Bill Committees.

125. *Chairman.*] On the other hand, would there not be an economy in the number of Members required from the House of Lords in consequence of there being a smaller number on each Committee?

Certainly; probably less than half would be required in point of numbers; according to my plan, only two Members would be required for each Committee.

126. Lord *Redesdale.*] Should you see any objection to the two Houses having separate Committees of Selection?

I should see no objection to any arrangement which was found to be the most convenient; but it occurred to me that if a system of joint jurisdiction were to be attempted, the more union there was in all the arrangements incident to it, the better.

127. Supposing a group of Bills was to be determined by a Joint Committee, would there not be a convenience in each House nominating its own members to serve upon the Committee?

Practically, that would be the case; the Peers who were members of the Joint Committee of Selection would naturally nominate their own members, and the House of Commons would nominate theirs.

128. But by keeping the nomination separate you would avoid, would you not, any necessity for the same machinery being set up in both Houses with regard to the selection of members?

Whichever arrangement was found to be most convenient might be adopted.

129. *Chairman.*] But would there not be a convenience in this being done in combination, if you considered the whole composition of the Committee, instead of considering the composition of one-half of it, who might not exactly dovetail with the other two or three members?

That is the light in which it struck me, when I ventured to suggest a Joint Committee of Selection.

130. Lord *Redesdale.*] Do you not think that the practice introduced in the House of Lords, of not giving a second reading to a Private Bill after a certain date, has tended very much to the expediting of private business?

It certainly has prevented any *lâches* on the part of the agents; they are very anxious to advance their Bills, but sometimes they are obliged to claim the indulgence of the House of Lords.

131. Do you think that any system of that sort could be introduced into both Houses, with regard to public measures as well as to private ones?

I very much question whether it would be possible in regard to Public Bills; certainly it would not be possible as regards Government Bills: otherwise a Government Bill could be readily defeated by delay, and there are already sufficient, and more than sufficient, obstacles to the progress of any Bill.

132. Do

Sir *T. E. May*, K.C.B.

15th April 1869.

132. Do you not think that, in a certain degree, it would lead to more time being given to legislation than is given to it at present?

I am not aware of any means by which you can restrain Members from discussing questions which are not immediately leading to legislation. I am afraid they will continue to discuss every grievance and matter of general policy, and every question which affects administration as well as legislation.

133. *Chairman.*] Have you considered any means of improving the wording of Bills by any joint action of the two Houses?

I have not considered any scheme of that description.

134. Colonel *Wilson Patten.*] You do not think that the more frequent reference of Bills to a Committee, in the first instance, would facilitate legislation, and prevent long discussions upon them in Committee?

It has occurred to me, that the present is a very fitting occasion for attempting to utilize Committees for the purposes of legislation. As the Committee are aware, the House of Commons last year parted with its jurisdiction in matters of election, and the number of Private Bills has lately very much diminished. If this scheme of Joint Committees should be entertained, the labour of private legislation will be further diminished, and I think it would be a pity that a very large body of Members of the House of Commons, and also Members of the House of Lords, but especially of the House of Commons, should not be utilized in maturing Public Bills, and at the same time sparing the whole House a very considerable portion of the labour which is now necessarily imposed upon it.

135. You think that, in the discussion of a Bill in Committee, the time which is now spent in discussing the wording of clauses might be very much saved by a Committee such as you describe?

I think so. At the present moment the Committee on the Endowed Schools Bill is maturing that measure, and I cannot but hope that, when it is returned to the House, a great many discussions, which would necessarily have taken place in the House, will have been anticipated, and averted from the House itself.

136. Sir *George Grey.*] Would you recommend that all Public Bills of importance should be referred to a Select Committee?

Not all; I should leave it to the House, on the representations of the Government, or the Member in charge of the Bill, to exercise a discretion as to whether the Bill was one of that nature which might be forwarded by discussion in Committee, and not utterly annihilated, as is often the case.

137. Whether it is a Government Bill, or a Bill brought in by a private Member, if it is felt that the progress of the Bill would be facilitated by its being referred to a Select Committee, is it not usual to send it to a Select Committee?

Yes. I think it is an advantageous practice, and one which might be usefully extended.

138. Do you think that sending a Bill to a Select Committee does always facilitate its progress through a Committee of the whole House?

I think generally it obviates objections, and the Members most actively concerned in opposing the Bill have already had an opportunity of proposing amendments in the Committee.

139. Would you apply that to Bills of great importance, such as the Irish Church Bill?

Certainly not; only to Bills of secondary importance, and with numerous details not involving important principles. On former occasion I have also proposed a scheme—that there might be an intermediate kind of Committee—a Committee between a Select Committee and a Committee of the whole House, with a quorum of 20, all the Members of the House having voices,—in which Bills of secondary importance might be discussed, instead of in a Committee of the whole House. In that way some relief might be afforded.

140. Mr. *Dodson.*] I do not understand you to propose, that in any case the referring of a Bill to a Select Committee should take the place of its passing through a Committee of the whole House?

I should

I should not venture to suggest that, as Members who had not been appointed to serve upon the Select Committee would not be satisfied if they were afterwards excluded from discussing the provisions of the Bill.

141. Sir *George Grey.*] Was not that course taken with the Consolidation Act; it was sent to a Committee because it was stated to the House that the matter was one of very technical and minute detail, and was it not understood that the Committee of the whole House should practically be dispensed with?

They did so, and they ran through all the clauses in a few minutes.

142. They put implicit confidence in the Select Committee, which was carefully chosen, and did not question their decision?

Yes; I think that can be beneficially done whenever important principles are not involved in the Bill; but in the latter class of cases, I do not pretend to say that any great object is gained by discussion in a Select Committee, except, perhaps, as regards an improvement in the language.

143. *Chairman.*] Is there any other suggestion which you desire to make, and which no question has elicited from you, for the improvement of the transaction of business, either of a public or a private character?

I observe that one difficulty, which has frequently been adverted to, is with regard to the revival of Bills which have dropped in a previous Session. It has occurred to me, that sometimes business might be expedited by giving facilities to a Member who introduces his Bill a second time. Supposing his Bill has reached the House of Lords and then dropped, he might have the privilege of introducing that Bill in the following Session, and carrying it without amendment or debate through the second reading, and putting it down for Committee—the House being of course at liberty to refuse their permission on a vote, but postponing the discussion until the House was asked to go into Committee; that might sometimes forward legislation in such cases.

144. Sir *George Grey.*] But if the House is at liberty to refuse the permission, how can that be done without leading to a debate?

At present, the first reading and printing of a Bill are determined without amendment or debate, but still the House might refuse; and in this case, if a Member had carried a Bill as far as the third reading, and it had not been lost by an adverse decision (in which case I should not propose that this indulgence should be granted), I think there would be no objection to his having the same facility of getting his Bill into nearly the same stage at which it had dropped, *i. e.*, up to Committee, in which position it would be considered by the whole House. It is a minor matter; but it is right to say that so many Committees have sat during the last 20 years, that the subject of improved procedure is very nearly exhausted. Almost every conceivable improvement has been adopted, and there is scarcely any field for further suggestions.

The Witness is directed to withdraw.

Ordered, That the Committee be adjourned to Monday next, Two o'clock.

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APPENDIX.

Appendix A.

Appendix A

STANDING ORDER

PROPOSED BY THE VISCOUNT EVERSLEY.

Resolved,—That whenever this House shall resolve that a Bill, not being a Bill relating to Revenue and Taxation, has been sent up from the Commons at a period when it cannot receive due consideration, a Message shall be sent to the Commons acquainting them with such Resolution; and if the same Bill shall be presented in the next Session, it shall be passed *pro formâ* through all its stages prior to that at which it was laid aside; and, when passed, shall be sent to the Commons with a Message stating it to be the same Bill (with or without amendments) as that sent up to the House of Lords in the last Session.

Appendix B.

Appendix B.

THE LORD REDESDALE

To move, That the following new Standing Order be added to the Roll of Standing Orders:

"Not later than ten days after the meeting of Parliament in any Session, notice may be given that on a day named, of which not less than one, nor more than two, weeks' notice shall be allowed, a Motion will be made to suspend the Standing Orders in relation to any Public Bill which shall have been introduced into and passed through this House in the preceding Session, after having been for eight weeks, at least, under the consideration of the House from the time of its first introduction, and shall not have been rejected by the Commons, the said Bill being laid on the Table at the time when the notice is given, and if the House when the Motion is made shall agree [*by a majority of of those present*] that the Orders shall be suspended, the question that such Bill do pass shall be put and declared to be carried without further debate being allowed; and the Bill so passed shall be sent to the Commons with a request that they will return it, if they agree to the same, for the further consideration of this House, whether amended by them or not, in order that the Lords may reconsider it in all its provisions in like manner as if every part thereof had been amended by the Commons, and the said Bill shall thenceforth be treated in this House as if it was a Bill amended in the ordinary way.

"In the event of a Bill passed by the Commons and sent up to this House in the preceding Session, and not rejected by this House, being sent by them to this House in the same manner and with a similar request, the Lords will return such Bill, if they shall pass it, to the Commons, to be treated by them in respect to every part thereof, whether amended in this House or not, as if every provision therein contained had been introduced in this House."

Appendix C.

Appendix C.

MEMORANDUM BY THE EARL RUSSELL.

The conduct of public business, and more especially the legislative business of Parliament, suffers from the late period of the Session at which Bills reach the House of Lords. While there are two Houses of Parliament, it is desirable that each should have the power of considering the principle and examining the details of every measure that is sent to it before it becomes an Act of Parliament, and is registered among the laws of the realm. But if measures are sent to the House of Lords in the middle of July, when Members of both Houses are hastening out of London, it is impossible that due deliberation can take place. The Lords are therefore placed in the dilemma, either of refusing to consider Bills which may be of great public utility, or of not performing the functions which the Constitution has entrusted to them.

A century ago the Sessions of Parliament began in the autumn, and ended in the spring. Hannah More, in a letter written soon after the accession of George III., says that she has but one fault to find with the young King, and that is, that his birthday is so late as the 4th of June; which, as it was the custom to celebrate the King's birthday, would keep Members of Parliament in London till after that day. Without attempting to alter what is called the "London Season," I think the House of Lords may fairly ask that legislative Bills should be sent to them not later than the 31st of May. The House of Lords would then have the whole of the month of June to consider them, and might return them to the House of Commons, "amended," or "agreed to," early in the month of July.

How this is to be accomplished I do not pretend to say. It has occurred to me that as the time for closing the financial year has been altered from the 31st of December to the 31st of March, a further alteration might be made. The reason, no doubt, is not so cogent. To spend money in March before it was voted, and to consider an estimate after the money had been spent, was obviously an objectionable practice. There might be inconvenience in a further change, but it would obviously facilitate the consideration of Bills by the House of Commons in April and May.

There are other changes dependent upon the forms of the House of Commons, upon which I will not enter. All that I venture to maintain is, that the months of February, March, April, and May, ought to be a sufficient time to bring measures to maturity in the House of Commons.

With regard to private business, I have scarcely any experience; but it has always seemed to me that the complicated arrangements for legislation of this kind were suited rather to promote the interest of the persons who receive fees for framing and carrying the Bills through Parliament, than for the public benefit. In regard to a work of public utility on which there is no contest, if, for example, the inhabitants of Hampshire wished the city of Winchester to be lighted by gas, or if the inhabitants of Devonshire wished to improve the navigation of the River Dart, there seems no reason why county financial boards should not agree upon the nature of the work required, the hands by whom that work was to be effected, and the parties who ought to be charged with the expense of making and maintaining it. In the case of a railroad, or other scheme of improvement, which could not be locally settled, it seems desirable that the case should be examined, and the evidence heard by a joint Committee of both Houses rather than by an expensive process instituted and completed in one House of Parliament, to be commenced again, and perhaps the Bill for the purpose in view rejected by the other.

With regard to Lord Salisbury's Bill, I quite concur in the object of it, but am inclined to think, with Lord Redesdale, that it might be attained by an alteration of the Standing Orders. There is still another course which might perhaps be resorted to with good effect. A century ago Parliament was usually summoned to meet in the autumn, was adjourned for the Christmas holidays, and was prorogued in the spring. In conformity with our present habits, Parliament meeting in February might be adjourned early in July to a day in the first week of November, and might in November take up the Bills which had been left unfinished in the early part of the Session. In this manner the Statutes of the year might be concluded within the year; and Members of both Houses might exchange the pavement of Westminster in the middle of summer for the pleasures of the country, or the relaxation of a journey to foreign parts.

(signed) *Russell.*

Pembroke Lodge, 24 March 1869.

Appendix D.

Appendix D.

RESOLUTIONS

TO BE PROPOSED BY COLONEL WILSON PATTEN.

1. That all Public Bills introduced into either House of Parliament be communicated in all their stages to Members of the other House, distinguished respectively by a heading in large type, "Lords" and "Commons."

2. That a copy of the Order Book of each House should be circulated in a similar manner once a week.

3. That similar postal arrangements should be applicable to Bills of both Houses of Parliament.

Appendix E.

Appendix E.

RESOLUTIONS

TO BE PROPOSED BY MR. DODSON.

REFEREES.

1. That all Official Referees should be officers of both Houses equally, and available to serve on Courts or Committees of either House.

2. That the Committees of Selection should have power, in any case in which it may appear expedient, to agree to appoint one or more Official Referees to sit as Assessors with the Joint Committee on any Bill.

3. That where the Committees of Selection may have appointed not less than two Official Referees to sit as Assessors with the Joint Committee on any Bill, it shall not be necessary to appoint more than two Members of each House to serve on such Committee.

4. That a Referee appointed Assessor to any Joint Committee should have the right of voting in such Committee.

POWERS to Gas and Water Companies without the necessity of obtaining a Private Act.

That where a Gas or Water Company, incorporated under the Joint Stock Companies Act, seek compulsory powers to break up roads or streets, the Board of Trade should be authorised, with the consent of the local authority of the district or districts affected, and in the absence of opposition from any similar Company serving the same district or districts, to issue, if it see fit, a certificate, as provided in regard to railways by "The Railways Construction Facilities Act, 1864," giving to the Company the powers required.

REPORT

FROM THE

JOINT COMMITTEE OF THE HOUSE OF LORDS AND THE HOUSE OF COMMONS,

ON THE

DESPATCH OF BUSINESS IN PARLIAMENT;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
2 *August* 1869.

386.

Under 4 *oz.*

REPORT

FROM THE

SELECT COMMITTEE

ON

PLANS

FOR

NEW DINING ROOMS, &c.;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed,*
4 *August* 1869.

Friday, 30*th July* 1869.

Ordered, THAT a Select Committee be appointed to consider Plans for New Refreshment and Dining Rooms for both Houses of Parliament, and for Improvements in the Ladies' Gallery of the House of Commons:—

Lord John Manners.	Colonel French.
Mr. Bouverie.	Mr. Layard.
Mr. William Henry Smith.	

Ordered, THAT the Committee have power to send for persons, papers, and records.

Ordered, THAT Three be the Quorum of the Committee.

Saturday, 31*st July* 1869.

Ordered, THAT Lord *John Manners* be discharged from further attendance on the Committee, and that Colonel *Wilson Patten* be added to the Committee.

Wednesday, 4*th August* 1869.

Ordered, THAT the Committee have power to report their Observations, together with the Minutes of Evidence taken before them, to The House.

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REPORT.

THE SELECT COMMITTEE appointed to consider PLANS for NEW REFRESHMENT and DINING ROOMS for both HOUSES of PARLIAMENT, and for IMPROVEMENTS in the LADIES' GALLERY of the HOUSE of COMMONS;—— HAVE considered the matters to them referred, and have agreed to the following REPORT:—

THE COMMITTEE have considered the plans and estimates for proposed alterations in the buildings of the Palace of Westminster, which have been prepared with a view to the construction of a new dining-room, kitchen, and other subsidiary offices, for the use of both Houses.

A change is much required, with respect to the existing arrangements for the House of Commons' dining-room; the accommodation is insufficient when there is a full attendance of Members, the temperature of both dining-room and kitchen excessive, and the ventilation of the kitchen very bad.

The estimates for the proposed change, amounting to 24,517 *l.*, exclusive of furniture, seem to your Committee to be extremely high, and there is no room to test their accuracy in the usual way, by taking out the quantities of the work to be done, and submitting the execution to contract by tender, because the time required for the completion of the work is limited by the necessity of having the new rooms ready for use at the commencement of another Session, and the work would therefore have to be begun at once, while three months would be consumed in taking the above preliminary steps.

Your Committee are not prepared to recommend to the House, that works, involving so considerable an outlay, should be commenced forthwith; but they think the House should have an opportunity, at an early period next year, of fully considering whether such an expense should be incurred, and whether the proposed change should be made.

In the meantime, they are of opinion, that some steps should be taken to lower the temperature, and improve the ventilation of the existing kitchen.

An estimate of 1,050 *l.*, and plan for improvement in the Ladies' Gallery have been submitted to them, and they are of opinion, that this improvement should be carried into effect in the vacation.

4 *August* 1869.

PROCEEDINGS OF THE COMMITTEE.

Monday, 2nd August 1869.

MEMBERS PRESENT:

Mr. William Henry Smith.	Colonel French.
Colonel Wilson Patten.	Mr. Layard.
Mr. Bouverie.	

Mr. *Layard* was called to the Chair.

Mr. *Edward M. Barry*, examined.

[Adjourned till Wednesday next, at Eleven o'clock.

Wednesday, 4th August 1869.

MEMBERS PRESENT:

Mr. LAYARD, in the Chair.

Colonel French.	Mr. Bouverie.
Colonel Wilson Patten.	Mr. William Henry Smith.

Mr. *Edward M. Barry*, further examined.

Mr. *James R. S. Cox*, Mr. *George Plucknet*, and Mr. *Frederick Nicholes*, severally examined.

The Committee deliberated.

Report read the first and second time, and *agreed to.*

Ordered, To Report, together with the Minutes of Evidence.

MINUTES OF EVIDENCE.

LIST OF WITNESSES.

Monday, 2 *August* 1869.

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Wednesday, 4 *August* 1869.

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Mr. James R. S. Cox - - - - - - - - - - - - 9
Mr. George Plucknett - - - - - - - - - - - 9
Mr. Frederick Nicholes - - - - - - - - - - - 9

MINUTES OF EVIDENCE.

Monday, 2nd August 1869.

MEMBERS PRESENT:

Mr. Bouverie.
Colonel French.
Mr. Layard.
Colonel Wilson Patten.
Mr. William Henry Smith.

THE RIGHT HONOURABLE AUSTEN HENRY LAYARD, IN THE CHAIR.

Mr. EDWARD M. BARRY, R.A., called in; and Examined.

Mr. Barry explained his proposal to the Committee on the plans.

1. *Chairman.*] YOU attended, I believe, three meetings of a Committee of the House of Lords, who took into consideration a plan submitted to them for a joint dining-room for the Houses of Lords and Commons?—Yes, I attended three times this Session; and several times last Session also.

2. Will you state to the Committee what occurred at those meetings?—There was a great objection, at first, on the part of several members of the Committee to any proposition which should take away from the House of Lords any of the committee-rooms which they now enjoy, and they requested me ultimately to prepare a plan, which was so far an amendment on the plan which had been previously submitted to them, as to give them suitable substitutes in the way of committee-rooms for everything taken from them.

3. Did you prepare plans in accordance with the suggestions of the Committee?—I prepared a plan on the suggestion of the Committee, and that plan was approved, with an addition to it, according to a resolution which was then passed by the Committee.

4. Will you explain that plan to the Committee?—This is the plan. Perhaps it would be better to read the resolution referring to it before explaining it. This resolution was given to me by the Committee clerk of the House of Lords, and I was requested by him to deliver it to Mr. Layard, as First Commissioner of Works. The resolution is as follows: "The Committee approve of the new conference or committee-room, as proposed in the new plan submitted this day to the Committee by Mr. Barry, in connection with an alteration of the arrangement in the plan formerly submitted for a new and enlarged building on the site of the present dining-rooms, whereby a tea-room, also capable of being used as a library, may be supplied, and one new committee-room and a lavatory." I should state that the Committee had previously informed me that they had no objection in principle to the plan of the dining-rooms proposed, but that they made a point of having a substitute for any accommodation which was taken from them.

Mr. *E. M. Barry*, R.A.
2 August 1869.

5. Will you now explain the plan?—I have added a rider to the plan, in accordance with the resolution of the Committee, which I have just read, and the plan with the rider shows the proposition which the Lords' Committee, as I understand, are prepared to assent to. As regards the House of Commons, it shows a dining-room in the centre of the river front, formed by taking the present conference-room, and the committee-room at either end, three rooms in all, removing the partition wall, and making it into one large room 125 feet long by 27 feet wide.

6. Colonel *Wilson Patten.*] The committee-room being the present tea-room?—Yes; it also shows another committee-room, which is now called letter C Committee-room of the House of Lords, which changed in its destination, and is devoted to the use of the Peers as the Peers' private dining-room.

7. Colonel *French.*] Do you propose to separate that dining-room by walls or pillars?—No. The conference-room is removed, and it is proposed to erect a new conference-room on the site of three messengers' rooms, now belonging to the House of Lords, and situated on the east side of the Peers' inner court. It is then proposed to remove the present refreshment-rooms of the House of Lords, and to construct on the site of the present refreshment-rooms enlarged rooms forming a new tea-room and library, for the

Mr. *E. M. Barry*, R.A.

2 August 1869.

House of Lords, 54 feet by 27, a new committee-room 42 feet by 27, and a lavatory.

8. *Chairman.*] Have you considered whether it would be advisable to throw the conference-room and the two committee-rooms into one large room divided by pillars, or to make three rooms of them with folding doors?—I think that it would be much more convenient for them all to be thrown into one room.

9. Do you propose to divide this room by columns?—No; I suggested at first that it should be divided by columns, because I did not feel quite sure that I should be able to remove entirely the partition walls; I now find that I can do so, and I think it very much better to avoid the objection of columns.

10. Mr. *Bouverie.*] You mean with reference to structure?—Yes.

11. What would be the length of that room?—One hundred and twenty-five feet.

12. *Chairman.*] Are you aware that the Speaker objected to the three rooms being thrown into one?—Yes; but I think that it would be more convenient; the room would have to be served from one point, and it would be very desirable that whoever was responsible for the management of the room, and the servants in it, should have a proper control all over it. Columns would, in my opinion, be therefore objectionable.

13. How do you propose to deal with the kitchen?—I propose to construct it on the ground-floor underneath the proposed new conference and committee-room on the east side of the Peers' inner court.

14. Have you ample space there for the kitchen and necessary offices?—I think that a very complete establishment can be obtained there.

15. And you propose that the kitchen shall furnish both the Lords' and the Commons' dining-room?—Both the Lords' and the Commons' dining-room. Yes, and also the strangers' dining-rooms.

16. Colonel *Wilson Patten.*] When you say a complete kitchen, how would it be as compared with the present kitchen?—I think that it would be better in every respect, in height, and space, and ventilation.

17. And accommodation?—Yes.

18. Can you give the comparative number of yards?—The kitchen would be nearly twice as large as the present kitchen.

19. Colonel *French.*] Would there be an increase of height?—Yes, of three feet.

20. *Chairman.*] Have you considered the question of ventilation, as regards both the dining-rooms and the kitchen?—As regards the ventilation of the dining-rooms, I have not thought it necessary to provide any special ventilation, because they are now ventilated as a part of the general scheme of the building; as regards the kitchen, I have thought it necessary to provide a special smoke and ventilating shaft.

21. And in your opinion the ventilation will be satisfactory both in the kitchen and in the dining-room?—Yes.

22. Mr. *W. H. Smith.*] At the present time the ventilation is not very satisfactory?—No, neither in the kitchen nor in the dining-room; but in both cases the height would be very much increased by the new plan.

23. *Chairman.*] I presume that everything would be brought from the kitchen to the dining-rooms by lifts?—There would be the staircase and lifts; no doubt the lifts would be principally used.

24. I understand that you propose a structural alteration in the building, in order to obtain the accommodation required by the Lords, will you explain it?—In order to obtain the enlarged rooms specified in the resolution of the Lords' Committee, it would be necessary to remove the present Peers' dining-rooms, and to build a new wall, say 6 feet beyond the present wall, so as to give the size of room which the Committee thought necessary.

25. Would it infringe upon the Peer's Court?—Yes, to a small extent; but I do not think that it would injure it. The lower part would be constructed on arches and columns.

26. Would it interfere with the light of the surrounding buildings?—I think not; it would not be necessary to carry up the wall much higher than at present.

27. What do you propose to do with the present dining-rooms of the Commons?—I propose nothing at all with reference to them.

28. Then your plan is confined to the new dining-rooms, and the alterations required by the Lords?—Yes; the new dining-room, and providing substitutes for the accommodation interfered with.

29. Have you made an estimate of the expense of these alterations?—Yes.

30. Will you state what the estimate is?—I think that the expense of the new dining-rooms and the new conference room, new kitchens, staircase, lifts, and the necessary alterations connected therewith, would be about 13,980 *l.*

31. Mr. *Bouverie.*] Does that include the new library?—No; there is a separate estimate for that, amounting to 7,237 *l.*

32. *Chairman.*] Have you made out that estimate in detail?—The plan was only approved a day or two ago, and I have since made out the estimate as well as I could with the time at my disposal; it cannot be a thoroughly correct estimate till all the working drawings are made, but I believe it is a covering amount.

33. What is the total amount?—Twenty-one thousand, two hundred and seventeen pounds.

34. Mr. *W. H. Smith.*] What is there underneath these rooms?—The kitchens, and the present offices connected with the refreshment rooms.

35. Are those the present kitchens, or the new kitchens which you propose?—The present kitchens.

36. *Chairman.*] Have you to make any provision for the messengers whom you displace?—I have suggested places where they might be accommodated, and I think that therefore no special provision would be necessary, but of course the authorities of the House of Lords' must be consulted upon that point.

37. You state that the estimate which you have submitted to the Committee would cover all these alterations?—Yes; I believe it may be relied on.

38. And that nothing further would be required?—Yes, apart from furniture.

39. Do you know anything about the furniture?—No; there must be furniture in the rooms now which probably would be available again.

40. Colonel *Wilson Patten.*] You state that this estimate includes the whole of the alterations which you have recommended; but you state

state that you have not been consulted with regard to the application of the present dining-rooms or the present kitchens?—That is so.

41. The application of those rooms is not included in the estimate which you have just given?—No; I have no information upon that point.

42. By your present plan you have to displace the store-rooms of the Journal offices?—Yes; some few dark rooms.

43. Have you made any arrangements for placing them in another position?—I have always considered that they might be placed in the rooms under the present refreshment rooms, and without any expense.

44. How could it be done without any expense; I presume that the rooms under the present refreshment-rooms are the present kitchen, and the offices attached to the kitchen?—Yes; the store-rooms are now fitted up in a very rough way with fittings, which I imagine could be removed from one room to another, and the expense of doing so would be small; no structural works that I am aware of are necessary.

45. With regard to the present rooms, if they were applied to any purpose, you think that it might be done without any extra expense?—Yes, except some small expense for fittings.

46. Does the estimate which you have just given include the taking away of the wall of the conference room?—Yes.

47. And the wall between the conference room and the large committee room?—Yes; the wall at each end of the conference room.

48. Supposing that we had folding-doors between those two rooms, would it increase the expense at all?—It would slightly decrease the expense.

49. How would you propose to throw the whole of the three rooms into one; would you do so by an iron beam?—Yes.

50. Capable of sustaining the whole weight above?—Yes.

51. Have you any doubt that an iron beam would support that weight?—Not the slightest; that is done every day.

52. Mr. *Bouverie.*] Would not there be some inconvenience in having the space of this very long room from the inconvenience of the waiters having to travel the whole distance?—There is no doubt that it would be better to have the place from which the room was served in the centre, but there is no possibility of having it in the centre, owing to the structure of the building.

53. What is there now under the Lords' refreshment-room?—There are kitchens and domestic rooms belonging to the Lords' refreshment department.

54. Are there any servants' sleeping rooms?—I am not aware exactly how they use the rooms; I can tell you how many there are; there are seven rooms looking into the Peers' Court.

55. Are not the keepers of the refreshment-room lodged in the House?—I am not aware what the arrangement upon that point is.

56. You do not know whether they would be displaced by your proposal; I do not mean displaced as regards their employment, but whether there would be a displacement of the accommodation which is now occupied by these persons?—I should not touch the accommodation referred to, excepting, perhaps, to enlarge it as a matter of necessity in enlarging the room above.

57. Where is it now; is it under the Lords' refreshment-room?—Yes; it is now proposed practically to remove the Lords' refreshment-rooms, and to build larger rooms in place of the refreshment-rooms. That of course would involve large rooms on the ground floor as well as on the principal floor.

58. *Chairman.*] I presume that you intend to make use of the furniture of the present kitchen of the House of Commons for the new kitchen?—Yes.

59. That is included in your estimate?—I have not estimated furniture; that is not in my department.

60. Colonel *Wilson Patten.*] You have estimated for the removal of all the apparatus of the kitchen?—Yes.

61. Mr. *Bouverie.*] The servants, if they do lodge in these rooms, below the present Lords' refreshment-rooms, would, I imagine, be displaced by your arrangement?—Not necessarily, because I do not require those rooms for any part of the scheme; those rooms would still remain.

62. Under the new library?—Yes.

63. There would still be accommodation there?—Yes; that accommodation would remain as it now exists.

64. As regards the accommodation under the existing Lords' refreshment-room it would be rather better than it is now?—Yes.

65. As regards the accommodation under the Commons' refreshment-room, you do not propose to deal with it?—I should not touch it at all, excepting that I should remove such of the kitchen fittings as were required in the new kitchen.

66. Mr. *W. H. Smith.*] I understand you to suggest that the rooms of the present kitchen should be used for store-rooms for the Journal Office?—I propose that some of the rooms should be so used, but there are more than will be required for that purpose.

67. Are the store-rooms of the Journal Office fire-proof rooms?—I think that every room here has a fire-proof ceiling.

68. Colonel *French.*] The complaint against the present dining-room of the House of Commons is chiefly caused by the great heat, and want of ventilation of that room; do you consider that it would be an advantage if it was merely used as a tea-room?—The great cause of heat, namely the kitchen, would be removed, and this would, no doubt, be an advantage.

69. I think that there is nothing over the present dining-room, and if an increased ventilation was required, I presume that there would be no difficulty in having it; there is no building over that room?—There is no building over it. Do you mean to ask whether the roof could be raised?

70. Either by raising the roof, or by making lower windows, if it was required; you say that you do not think that it would be required?—I do not think that it would be required; if it was required it would be very easy to raise the roof, and to provide other ventilation.

71. I do not exactly understand why it is not possible to make the kitchens more under the proposed dining-room?—It would not be possible to place the kitchens and offices more under the dining-rooms, because the space is already occupied by buildings, and no satisfactory provision could be made for light and air.

72. *Chairman.*] Do you think that you could

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make any arrangement so that the waiters might be spared the long walk backwards and forwards?—The bar is central between the Peers' room and the Commons' room, and I do not think that you can get a better place for it.

73. Will you explain the proposed alterations in the Ladies' Gallery?—This is a plan which shows the Ladies' Gallery of the House of Commons. The Ladies' Gallery is divided into three separate compartments, and this is the plan as it is at the present moment. The proposal now is to improve the view from the Ladies' Gallery, by taking out the smaller mullions in the stone screen between the Gallery and the House, and removing the partition between two of the compartments, so as to leave one gallery instead of two; and forming a retiring-room behind the gallery, with proper accommodation for the ladies.

74. Mr. *Bouverie.*] Would you admit more light?—That can easily be done, but it has always hitherto been thought objectionable to do it, because it would make the ladies visible from the House. This room (*pointing to the plan*), which would be interfered with, is the messenger's room, and I propose that he should have space provided for him by projecting the window into the court, so as to form a recess. By carrying down this recess to the floor below, I can get a little extra height and ventilation into the Reporters' Gallery, which is very much wanted. This plan shows what I have now been describing, excepting that it shows a messenger's room which is not now proposed.

75. *Chairman.*] Do you think that by the removal of the stone mullions in the windows you would improve the Ladies' Gallery?—Yes. No doubt anybody using the gallery would be very glad that the mullions should be removed.

76. Would their removal interfere with the decoration of the House?—No; I do not think that there is any objection to their removal.

77. Mr. *Bouverie.*] Would you retain the grating in its present form?—That is a question of policy. I think that the grating is as innocuous as anything of the sort can well be. I do not see how it can be improved. The proposal is to take away nine mullions and to leave six. I have myself no doubt that anyone using the gallery would be happy to have those mullions removed. I think that the Committee would see the thing in five minutes. The proposal is not mine, but I have no objection to it. I can raise the ceiling; the condition of the ventilation is a matter of fact, and Dr. Percy has some very strong facts on that subject, which seem to show that the defects of ventilation have been very much exaggerated. I cannot speak from personal experience.

78. *Chairman.*] I presume that you could make all the alterations which you have described to the Committee during the present recess?—That is a matter of great difficulty, and would depend mainly on the contractor. I fear I could not complete them all during the present recess. As regards the dining-rooms of the House, I have no doubt that I could complete the dining-rooms and the new kitchens, say, by Easter, but I am not sure it could be done by the opening of Parliament. You would use the present dining-rooms until the new ones were finished; we should not touch the present rooms. I am afraid it would be quite impossible to finish completely the Truro Library and the new committee-rooms during the recess.

79. Did you explain that to the Lords' Committee?—No; the question of time was not brought before their Lordships.

80. Would they agree to that; I thought that you proposed to them to do the whole during the recess?—It is a very short time for so considerable a work, but I think I could get it sufficiently completed to be ready for use with temporary fittings, and no doubt their Lordships would agree to such an arrangement.

81. If you did not get the Lords' committee-room and conference-room ready by the next meeting of Parliament, the Lords' Committee might not agree to the alterations; that consideration was not, I believe, placed before them?—No.

82. Mr. *W. H. Smith.*] Would any time be saved by the removal of these walls in the Conference-room?—No; that is the least part of the work.

83. *Chairman.*] Would it be quite impossible to have the proposed alterations made during the recess?—As far as impossibility is concerned, there is scarcely anything impossible, but it would be a very expensive and difficult thing to do.

84. What would be the expense of making the proposed alterations in the Ladies' Gallery?—I estimate it at about 1,050 *l.*

85. That includes the removal of the mullions?—The removal of the mullions, the raising of the ceiling, and the formation of a new room behind the Gallery, and giving increased light to the Reporters' Gallery.

86. What would be the expense supposing that the mullions were not removed?—I cannot say exactly as I have not the calculations here, but I think the cost of removing them would be about 300 *l.*

87. By what time could you make the alterations in the Ladies' Gallery?—It could be done very easily between Session and Session; there is no difficulty about completing the improvements in the Ladies' Gallery before next Session. (*The Committee proceeded to inspect the Ladies' Gallery.*)

Wednesday, 4th August 1869.

MEMBERS PRESENT:

Mr. Bouverie.	Colonel Wilson Patten.
Colonel French.	Mr. William Henry Smith.
Mr. Layard.	

THE RIGHT HONOURABLE AUSTEN H. LAYARD, IN THE CHAIR.

Mr. EDWARD M. BARRY, R.A., further Examined.

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88. *Chairman.*] CAN you give the Committee complete plan of the proposed alterations?—Since the Committee met on the last occasion, I have prepared a complete plan showing all the alterations which are proposed in connection with the dining rooms, and the requirements of the House of Lords. I have seen Lord Redesdale on the latter point, more particularly as regards the time necessary for the completion of the work; and I have made further inquiries on the subject of the estimate, and the power of getting the work done between the close of this Session and the beginning of next Session. This is the plan to which I refer (*producing the same*). I may state that I find that it will be necessary to make the estimate for the changes in the House of Lords, 8,237 *l.*, instead of 7,237 *l.*, as I stated on the last occasion, because I find on communication with the authorities of the House of Lords, that there is rather more work necessary to be done than I had supposed from the Resolution handed to me.

89. What is the work to which you refer?—It consists in removing all the fittings from the present Library proposed to be used as a committee-room, fitting up that room *de novo* as a committee-room, and replacing the fittings in the new temporary library with additions corresponding to the size of the room.

90. Have you made out a detailed estimate of the cost, taking each alteration separately?—I have done so to the best of my ability, with a view to giving the Committee some notion of the comparative cost of each portion of the work, but of course from the limited time which I have had for the purpose, I cannot be absolutely bound to the exact accuracy of each item.

91. Will you hand in that estimate?—I will hand in this estimate which is drawn out under various heads. First of all the adaptation of the conference and committee-rooms, and fitting them up as dining-rooms, I estimate will cost 5,410 *l.*; I should state in connexion with that estimate, that I have proposed to make certain alterations in the lower part of the windows, so as to make them open more readily, to put in them larger glass, and to form a balcony to each window; I find I omitted to explain that on the last occasion. The next item is for the new kitchen, and the adaptation of the space below as kitchen offices; that includes a new smoke shaft, and the ventilation arrangements, and the estimate for it is 6,585 *l.*: the new staircase and lift, I estimate at 850 *l.*; the new conference-room, I estimate at 3,135 *l.*; the new rooms for the Truro Library, and committee-rooms, I estimate at 8,237 *l.*; certain temporary finishings for the occupation of rooms next Session, I estimate at 300 *l.*; removing fittings of Journal Office, stores, and refitting the same, with extra work when required, I estimate at 500 *l.* The alterations in the Ladies' Gallery, I estimate at 1,050 *l.*

92. That is including the removal of the stone mullions, is it not?—I think not; that makes a total of 24,067 *l.* To that must be added the provision for an architect and a clerk of the works, 1,500 *l.*; which brings the amount to 25,567 *l.*

93. That does not include furniture or fittings?—No; it includes everthing in my department.

94. With regard to the proposed new dining-rooms, have you taken into consideration the plan proposed by the Speaker, of having instead of one large room, three rooms opening into each other by folding doors?—That is not an arrangement which I should recommend, for the reasons which I have already stated to the Committee.

95. But have you thought the matter over, in case the Committee should consider it advisable to adopt this suggestion?—Yes; but I still think one large room, uninterrupted by columns, would be most convenient.

96. You have, I believe, stated that in order to make one large room, you would have to introduce iron beams into the ceiling?—Yes; if the room were divided by folding doors, I think that they would cost nearly if not quite as much as the iron beams.

97. The doors themselves?—Yes; the doors and the necessary fittings connected with them, and the arrangements for sliding. In the one case the expense is rather for removing what exists; and in the other case you must add a great deal. My estimate for the cost of removing the walls, and for the iron beams, is only 800 *l.*

98. What is your objection to having the three rooms united by folding doors?—I think that it would be much better to have one large room without obstructions of any sort; practically, obstructions always cause loss of space, and I think that as regards the service of the room, it would be far better that the person in charge

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should be able to see all over it without anything to interrupt his view.

99. But would it not be a convenience in case the number of diners was small, to shut up one room or two rooms?—I should imagine not; the service must always be from one portion of the room.

100. I presume that the great expense in making the new conference-room, and the new committee-rooms of the Peers, consists in having to rebuild the walls?—Practically, it is a new building to the extent proposed, and a building of a costly character.

101. Have you taken into consideration the time which will be required to carry out the proposed alterations?—Under ordinary circumstances, they would require a very much longer time than the recess between Session and Session; but if it was a matter which was being carried out by private persons, I imagine that there would be no difficulty in finding a builder who would be ready to undertake the work in the time which could be allotted for it.

102. Have you ascertained Lord Redesdale's opinion with regard to the necessity of finishing the Lords' committee and conference rooms by next Session?—Yes, and his Lordship thinks that the House of Lords would require the whole of the accommodation proposed, at the beginning of the Session; I made the suggestion to him, that supposing it was not entirely finished at the beginning of the Session, some temporary arrangement might possibly be made, which would enable their Lordships to use the rooms, although they might not he exactly finished in all their details, and Lord Redesdale authorised me to say, that if that could be done, he thought it would be quite satisfactory.

103. If these alterations are carried out, what steps should you advise to be taken as regards contracts for the work?—That, of course, is a very difficult question for me to advise upon, because I cannot tell how far the usual rules of the public service would operate as regards letting the work by competition. In private practice, in a case like this, involving urgency, I should not go to competition, but should employ a contractor in whom I had confidence, and I have no doubt that I could in that case get the work done; but in a public work, it is entirely a question as to the rules which must be observed in letting the work.

104. Mr. *Bouverie.*] Is structural work generally put up to competition?—The rule, hitherto, in any new works in this building has been to invite tenders in competition; to have the contract drawings made out, and quantities taken by surveyors, and to take tenders from half-a-dozen or a dozen builders, as the case may be.

105. *Chairman.*] Then are we to understand you to say that if these alterations were carried out in the usual mode, namely, by tender, you could not undertake that they should be completed by next Session?—I think that it would be impossible. I do not think that we could make a satisfactory contract in much less than three months from the present time.

106. But if the work was entrusted to well-known contractors, without waiting for tenders, it could be commenced at once?—Yes; I should state that, with a view to affording the Committee every information which I can, I have placed myself in communication with Messrs. Cubitt, the well-known builders, and Messrs. Cubitt have carefully gone through the estimate for the work as far as the time allowed them to do so, and they are so satisfied that my estimate is sufficient, that they would be willing to enter into any arrangement which was satisfactory to the Government to carry out in the time prescribed the works included in that estimate; and if the works cost less than my estimate, they would be prepared to satisfy the First Commissioner of Works on the subject, to accept such less sum, and to undertake that under no circumstances should the Government be called upon to pay more.

107. Would Messrs. Cubitt make a contract to that effect?—I believe so; I have asked Mr. Plucknett, the senior partner in the firm, who is in attendance, and he has said that they would do so.

108. You have communicated with Lord Redesdale, and he says that the Lords would be satisfied if the arrangement could be carried out by the beginning of next Session?—Yes; Lord Redesdale has authorised me to say so, and I believe that he has carefully considered the matter.

109. Colonel *French.*] The chief use of putting the execution of these works up to tender would be that under no circumstances could the estimate which you have made, if recommended by the Committee to the House, be exceeded?—Under the arrangement which I have laid before the Committee, no increase in my estimate would be possible.

110. Colonel *Wilson Patten.*] With respect to the accommodation, have you provided the same accommodation for all the attendants on the kitchen department and the refreshment rooms, in the new locality, as exists in the old one?—There are a few rooms which are not so provided, and in those cases I imagine that the present rooms would continue to be occupied.

111. Mr. *Bouverie.*] With regard to the kitchen, you propose to substitute a new kitchen under the Lords' Conference-room?—Yes.

112. Mr. *W. H. Smith.*] Is that better or worse than the present kitchen?—It is much better; it is about twice as large.

113. Mr. *Bouverie.*] Is a scullery substituted?—Yes.

114. And a pantry?—Yes; as regards any details of arrangement, I think that I could communicate with Colonel French, or with anybody responsible for the working of the establishment, and could settle those things; perhaps the best way would be to deal with rooms which are not provided.

115. There is a still room which is not provided?—I have the whole of the space coloured buff available; I have space much larger than the space which is now given up for similar purposes. I have no doubt that the whole of the arrangements necessary for the kitchen can be placed there. This plan does not profess to give the detailed arrangements, nor would it be possible on so small a scale.

116. *Chairman.*] I presume that these arrangements would rest with those who have the management of the kitchen?—Yes.

117. Mr. *Bouverie.*] This list includes one store-room, two laundries, one office, one sitting room, seven bed-rooms and one larder?—This is the plan, and I have arranged for the same space upon the new plan, but I am not aware how every room is now used. For example, I

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l not know that this room (*pointing to the plan*) is used for a laundry; but before the work is carried out it would be my business to inire into all these details.

118. Colonel *Wilson Patten.*] That would not ect the estimate?—I believe that my estimate sufficient to carry out everything that is nessary. We do not propose to touch any of e present ground floor rooms, and therefore the freshment department could have not only the w but the old rooms as well.

119. Mr. *Bouverie.*] I thought that the Journal fices were in question?—A few dark store oms belonging to the Journal Office would be erfered with, but all the rooms which are well hted would be retained.

120. Your point is that the space which you ve to dispose of is more than equivalent to the ace occupied for offices and for kitchen purses?—You would keep almost all that you ve, and would have something new in addition. ie rooms on the site of the new kitchen are w occupied by Dr. Percy for his offices; all the oms which are now used as kitchen offices for e House of Peers would be set free by the new rangement, which would provide additional acmmodation there; I should add that it was ways intended that the officer in charge of the ntilation should be placed in a central position the east side of the boiler court, and that is e right place for him, in close connection with the boilers and ventilating apparatus.

121. With respect to the dining-room, nothing s been done to provide for the length which e waiters would have to go?—All these quesons are questions of comparison, and in avoiding e difficulty, I am afraid that you will get into other. The bar is now central between the eers' room and the Commons' room; people ould naturally, I think, congregate towards the iddle of the room, and I think the arrangement oposed is, on the whole, the most convenient.

122. *Chairman.*] Have you made any prosion for wine cellars?—I propose to leave the esent wine cellars as they are.

123. Where are the present cellars situated?—They are approached by the stairs in the iddle of the present kitchen offices.

124. As regards the proposed new dining-rooms, e those cellars conveniently situated?—They e not very far distant; there is a staircase, about idway between the cellars and the diningoms. I should imagine, however, that they ould send up the wine by the lift.

125. Mr. *Bouverie.*] I understand distinctly at your estimate includes internal fittings, ough it does not include furniture?—Yes, so r as I know, the estimate is a covering estimate r everything in my department.

126. *Chairman.*] With regard to the Ladies' allery, have you any suggestions to make which ave occurred to you since our last meeting?—It ppears that the messenger in the Ladies' Galry thinks that it is necessary that whatever ace is reserved for him, he should be near the oor, and therefore the suggestion which I threw it on the last occasion, of a recess at the back the passage behind the gallery would, perhaps, ardly meet the question. I have now altered ie plan, and put the recess close to the door; should state that the original estimate which I ade of all the alterations proposed here, inuding a new messenger's room, which was ot before the Committee on the last occasion, was 1,250 *l.* With reference to omitting the stone mullions, I find that the reduction by omitting them would not be so large as I supposed at the last meeting of the Committee; it would be 50 *l.* for each screen, or 150 *l.* in all; as the recess which is now proposed could not be carried down to the Reporters' rooms below, there would therefore be a saving on it of 50 *l.*, making a saving of 200 *l.* altogether, and leaving an estimate of 1,050 *l.* for all that is there shown.

127. As I understand it, that is exactly the same estimate which you submitted to the Committee at our last meeting?—No, I said on the last occasion that I thought that removing the mullions might save 300 *l.* I find on referring to my papers that that is not so, and that the saving would not be more than 150 *l.*

128. Colonel *Wilson Patten.*] What would be the nature of the recess which you propose for the messenger?—I think that all that the messenger requires is a deep recess, with a low screen in front of it, where he could have his chair and sit.

129. But he has to remain there sometimes from four o'clock in the afternoon till four o'clock in the morning?—He would have the use of the retiring-room when the ladies were not in it; at present there is only one room, and the ladies and the messenger use it.

130. Mr. *Bouverie.*] This part is lighted from a well?—Yes.

131. There is a staircase which is now largely used by the reporters?—Yes, very largely; it could not be otherwise devoted.

132. Colonel *French.*] Do you secure any improvement in the ventilation by this alteration of your plan?—I propose to raise the roof, but as regards the ventilation, that is a question which is in Dr. Percy's hands rather than in mine.

133. *Chairman.*] But you intend to raise the roof considerably?—Yes.

134. Mr. *W. H. Smith.*] Is there to be any light?—It has hitherto been decided that there should not be light in the Ladies' Gallery, because if there was light you would see the ladies, and it has been considered that they should not be seen; there is no difficulty in having light to any extent if the Committee decide to have it.

135. Does not the fact of the ladies being seen depend upon whether the light is behind them or not?—I think not; I think that if the gallery is lighted at all they will be seen.

136. *Chairman.*] Do you contemplate raising the floor for the second row of seats?—I do not, because it was so raised, and it was objected to, and the last alteration made in the Ladies' Gallery was to remove that raised portion, and to make the floor level throughout.

137. Why was it objected to?—I do not know; my information from the Office of Works was that it was objected to, and Lord John Manners had it altered.

138. Were there not then three steps, as it were?—I think not; there was, I believe, one step, and a space behind.

139. It has been suggested to me, that a hand-rail in front of the back seats would be a great advantage; when there is an interesting debate ladies in the back row stand up, and sometimes incur the risk of falling over; have you taken that point into consideration?—That has not been suggested to me.

140. Would there be any objection to having a hand-rail?—I do not see any objection at this moment.

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141. Colonel *French.*] I think that it was bad, and was taken away?—Yes, there was such a rail and it was objected to.

142. *Chairman.*] There was at one time a hand-rail?—Yes, when the seats were raised.

143. Then, in fact, the present state of the gallery as regards the seats is that which after various experiments is considered to be the best?—Yes; the raising of the seats was objected to, and the floor was lowered.

144. Colonel *Wilson Patten.*] You say that the estimate for the dining-room is 3,410 *l.*, what are the principal expenses which would be incurred in the dining-room?—Removing the walls, and inserting the iron beams; fitting up a screen for the bar; the lift and fittings; a new doorway; alterations of wall framing; new sashes, and glass to the windows, and repapering and painting; the work, as you are aware, is of a solid and expensive description, and I have been anxious to make an estimate which should allow no room for extras afterwards; it is, however, very possible that the work may be done for less; I shall be very glad to find that it is so.

145. You give 6,585 *l.* for the new kitchen; what are the principal items of expense in that?—There is a large amount of new building. Then there are all the alterations on the ground floor, and the staircase, which to a great extent are new buildings. There is a new smoke shaft, and there is a ventilating shaft 70 feet high. The new building must be of stone, and it must be fire-proof.

146. How high would the new building go from the foundation?—The new building, and the conference-room together, which is over it, will be somewhere about 50 feet from the foundations.

147. But you have taken 3,135 *l.* for the conference-room?—Yes, that is another item. In the estimate of the kitchen I have only taken up to the floor of the conference-room.

148. Then the expense for the conference-room is for the building above the kitchen?—Yes.

149. How much would the wall-work itself come to?—It is impossible for me to answer all those questions in detail; I can only form a general opinion of the whole probable cost of the work, according to the best of my judgment.

150. But you, I presume, have formed your opinion upon the best detail which you could get in the time?—Yes; I have had very little time for the purpose, and I can only judge from the cost of similar works here and elsewhere. I believe, however, that my estimate may be relied on, and I may state that the estimates I have hitherto made for works in this building during several years have in no case been exceeded.

151. Mr. *Bouverie.*] The only accurate way of getting at the expense is by getting the quantities taken out?—Yes.

152. That takes a considerable time?—It would, I should think, take three months before full working drawings and quantities could be completed.

153. If you put the work into the hands of Messrs. Cubitt, should you have to complete the taking out of the quantities before they entered upon their work?—No; Messrs. Cubitt say that they have sufficient confidence in my estimate to bind themselves by it, and that if the work comes to less they will deduct the difference.

154. What check would you have upon Messrs. Cubitt with regard to the details of the work?—As I understand the matter, they are prepared to make any arrangement which may be satisfactory to the First Commissioner of Works; but upon that point I think it advisable for the Committee to put the question to Mr. Plucknett, who represents the firm of Messrs. Cubitt.

155. Is Mr. Plucknett here?—He is in attendance.

156. Are Messrs. Cubitt the only persons to whom you could entrust the work?—I should not like to say that, but they are a firm who are well known, and have excellent premises and business facilities; they have a large London business, and a large stock of material, and they have the power of undertaking every branch of the works; so that it would be only necessary to employ one contractor for them, which would be beneficial both as regards economy and speed.

157. Would it not be desirable to consult one or two other builders as to the terms on which they would undertake the work?—I do not see how you could have much better terms than an offer from first rate contractors to bind themselves on the one hand, and not to bind you on the other; and I do not think you can get any builders to give a more detailed tender, unless you give them all the necessary drawings and the quantities. Messrs. Cubitt have done work for me elsewhere, and they have sufficient confidence in my estimates to be willing to bind themselves by them, and that confidence might not be entertained by others. I may, however, state that if time does not press, I should prefer that the work be let by tender in the usual way. It is only in consequence of representations made to me in respect of urgency, that I have thought it right to apply to Messrs. Cubitt.

158. In a sum of 11,000 *l.*, from your experience, do you not find that contractors vary very much in their contracts?—No doubt there is a very great variety in their contracts, just as there is in the quality of the work done. I do not think that there is any very great variety amongst first-rate workmen for first-rate work.

159. As far as materials and labour are concerned, there is a fixed quantity?—Of course every detail of the work enters into its cost; one builder may keep material worth 50 per cent. less than that kept by another. The mere question of seasoning affects the cost to a very great extent; some persons keep large stores of material, and have seasoned timber which has been upon their premises for years, and others simply go to the docks and buy the material as they want it from hand to mouth.

160. *Chairman.*] New carpets must be obtained for these new rooms?—I think so.

161. Colonel *Wilson Patten.*] You say that you will consult the authorities on the kitchen arrangements, but we are coming to the end of the Session, and the Committee may be dispersed?—Colonel French is in town, and I think if he will kindly give me an hour or two with him it will be all that will be necessary. With regard to the mode of carrying out the work, unless under special circumstances, I should very much prefer the ordinary plan of its being put to competition instead of its being left to one contractor.

Mr. James R. S. Cox, called in; and Examined.

Mr. *J.R.S. Cox.*

4 August 1869.

162. *Chairman.*] Will you state the nature f your office?—Clerk of the Furniture to Her Majesty's Office of Works.

163. Have you made an estimate of the ex-ense of furnishing the new Peers' and Com-ons' Dining Room, as proposed by Mr. Barry? -Yes; I have furnished it from details given to e by Captain Gosset.

164. Will you be good enough to hand that stimate in?—(*The Witness delivered in the same, hich is as follows*):

"Houses of Parliament. Proposed new Re-eshment Rooms.—Estimate for furniture, &c.—rovide Utrecht velvet curtains to the nine win-ows; Brussels carpets and rugs for the two ooms; 18 wainscot dinner tables; a large wains-ot table for the centre of the large room; 108 hairs; four joint wagons and plated dishes for itto; four dumb waiters; additional plate warm-rs; two high screens; additional plate, linen, arthenware, china, glass, &c., required, and for he removal of the furniture of the present re-reshment rooms.

"The above is estimated at the sum of sixteen undred and sixteen pounds (1,616 *l.*)

"Her Majesty's Office of Works,
"12. Whitehall Place,
"3 August 1869.
(signed) "*Jas. R. S Cox.*"

165. Colonel *French.*] Do you give credit for the furniture which we already have?—Yes; I consider that it would be re-used; what I have stated is all in addition.

166. *Chairman.*] You have not been consulted as regards any other rooms?—No.

167. This estimate simply includes the refresh-ment rooms?—Yes.

168. And in your opinion the furniture named in that estimate is absolutely necessary for com-pleting those rooms?—Yes; from a conversation which I have had with Captain Gosset, I should say so.

169. I suppose that you would have no diffi-culty in forming an estimate for the furniture for the other rooms?—No; in the estimate which I have made I have taken rather a large margin. I think that I have taken about 150 *l.* margin, be-cause one does not know what might turn up.

170. You had better put yourself into commu-nication with the proper authorities in the Peers' Department, and ascertain what furniture would be required for the new committee and con-ference-rooms, and make an estimate for it?—I will do so.

171. Mr. *Bouverie.*] I suppose that you pro-vide their furniture generally?—Always.

Mr. George Plucknett, called in; and Examined.

Mr. *G. Plucknett.*

172. *Chairman.*] Has Mr. Barry submitted o you an estimate for certain alterations in the Houses of Parliament?—Yes.

173. Is it your opinion that the proposed lterations can be carried out for the sum men-ioned by Mr. Barry?—Yes.

174. Do you think that these alterations could e made and completed within the space of six nonths?—Quite so.

175. Are you prepared to undertake them for the sum specified by Mr. Barry?—Yes.

176. Mr. Barry states, that if, on carrying out these alterations, you find that the expenditure is less than is contemplated, you will be willing to give the public the advantage?—Yes, I told Mr. Barry so; we keep an accurate account of the cost of everything, and at the end of the job we should be quite willing to submit our cost-books to anybody whom the Chief Commissioner might appoint, and we should be willing to take, say 10 per cent. profit upon the actual cost.

177. You would be prepared to submit the accounts of the expenditure, in carrying out these alterations, to a person named by the First Commissioner, and to deduct from the general sum of the estimate the excess, taking for your-selves 10 per cent. profit?—Yes; all above 10 per cent. profit we should be prepared to deduct.

178. Mr. *W. H. Smith.*] Your statement amounts to a distinct guarantee that the cost is not to exceed 24,067 *l.* in any event?—Yes.

179. Mr. *Bouverie.*] Would you be willing to enter into a contract with the Office of Works to that effect?—Yes.

Mr. Frederick Nicholes, called in; and Examined.

Mr. *F. Nicholes.*

180. *Chairman.*] You are, I believe, the Manager of the refreshment-rooms of the Houses of Parliament?—Yes.

181. Are you aware that it is proposed to form a new dining-room, and to throw certain rooms now occupied as committee-rooms, into one large room?—Yes.

182. In your opinion, would it be more con-venient to have one large room 125 feet long by 27 feet wide, or to divide that room into three rooms, opening one into the other by folding doors?—I think that the having folding doors would cause a great amount of labour; but I propose to shut off the end portion, which is now the Tea-room, according to the plan; and on ordinary occasions I think that the space left would be sufficient to meet the emergency of the case, and on extraordinary occasions, I propose to open the end part.

183. What I understand you to say is, that if you had three rooms, instead of one large room, you might, according to the number of persons to be accommodated, either close, or leave open the end room?—Yes.

184. Supposing the three rooms to be thrown into one, would it be a great inconvenience to your waiters to have to attend upon people who were at the extreme end of the room?—Decidedly.

185. Can you propose any means of preventing this inconvenience?—By placing the lift in the centre of the room as it is now, and the room being much

Mr. *F. Nicholes.*

4 August 1869.

much wider, we could have dumb waiters, and we could have a large table for a cold collation.

186. Supposing that it were impossible to put the lift in the middle of the room, would the inconvenience then be so great as to render it objectionable to have this large room?—I think that it would be nearly an impossibility to supply, as the length of the room would be so great.

187. Could you not devise some plan for moving your hot dishes on small wheeled trays, as you do now certain things?—Certainly.

188. The new dining-rooms would be very wide?—Yes; it would be easier than in the present room, because they would be much wider; but the length of the room is most objectionable, and having the lift at the extreme end. The serving place being at the extreme end of the room, makes it a very difficult thing to serve.

189. I presume that it would only be upon extraordinary occasions that you would require the whole length of that room?—I think so; we have done, I think, a large amount of business this Session, and we have found the room quite large enough, except on cases of emergency, extraordinary occasions, such as when we have dined from 260 to 300 persons at night; but on ordinary occasions the room has been large enough; and by the new room being wider it would be easier to serve.

190. I suppose that upon an extraordinary occasion you could make extraordinary exertions to get your dishes and things up to the end of the room?—Of course; as we have done this Session.

191. That would not occur very often?—No.

192. Have you seen the proposed arrangements for the lift?—Yes; but I have not seen the site where it is intended to make the offices; I do not know whether that matter has been gone into. If you make a room, of course you must think of the working department.

193. You mean for the kitchen downstairs?—The kitchens and various offices.

194. Is the present accommodation sufficient?—It is not sufficient; and from the ventilation, and altogether, it is not fit to be in. We have had it at 130 degrees of heat; it is worse, I think, than being on board any Indian steamboat; and our sitting room is about the same. I assure you that the wall has been so hot that I have not been able to keep my hand upon it; that is in my sitting room. Of course we are there but very little.

195. Mr. *Bouverie.*] Does that room adjoin the fire?—It is at the side of the kitchen.

196. (To Mr. *Barry.*) You have heard what Mr. Nicholes has just stated; will there be a remedy for that in your new kitchen?—The new kitchen will be twice the size, and three feet higher.

197. *Chairman.*] Then you think that in the new kitchen the ventilation will be very much improved?—I hope that it will be very good indeed.

198. Colonel *French* (to Mr. *Nicholes*).] What is the greatest number of dinners which you have had on one day, during the time that you have been here?—On a rough calculation, I think about 270.

199. They are almost all ordered for the same time?—Yes.

200. Which increases the inconvenience?—Yes; we may have a dinner ordered five or ten minutes before it is wanted, with the expectation of having a division, or something of that kind.

201. The largest number that we ever had in one day was 337, that was in Mr Lucas's time?—I cannot speak accurately, but I could let you know in a few minutes.

202. Mr. Barry states that the space for the accommodation attached to the kitchen in his proposed plan is larger than you have at present; I pointed out to him the complaints which you had to make, but he said that with the increased space, he should be able to give you all the accommodation, and something more, than you at present have?—(Mr. *Barry.*) That is so.

203. Mr. *Bouverie* (to Mr. *Nicholes*).] I suppose that you have generally an idea when there will be a great demand for dinners, and that it does not come upon you all of a sudden?—I speak to Mr. Glyn; or Mr. White is generally my informant.

204. You have an idea of what dinners will be wanted?—Yes, I make a study of it.

205. Colonel *Wilson Patten* (to Mr *Barry*).] Would it not be possible to have a supplementary lift somewhat nearer the centre of the room?—Yes; you mean to ask whether it would not be possible to have an extraordinary lift for extraordinary occasions.

206. Yes, so that whenever Mr. Nicholes thought that there was going to be a great pressure, he might put this second lift into operation?—It is a question whether you have an extra man in the room, or an extra room on the ground floor. (Mr. *Nicholes.*) If you make two lifts, of course you increase my labour, and if you increase my labour, of course you decrease my profit. If there are two lifts in the room, I have not the means of knowing what is going on; I would certainly rather have one lift. In the present plans I see that the scullery is on the other side of the kitchen; now the lift should be in the kitchen, and the scullery should be next the lift.

207. Colonel *French.*] Would there be any objection to confining the portion of the room furthest from the lifts exclusively to cold meat dinners?—No, I think that that could be accomplished.

208. You would have the cold meat in that part of the room, and it could be served without the waiters going over any other portion of the room?—That certainly might be done.

209. Colonel *Wilson Patten.*] Is it not the fact that one of the rooms is now devoted exclusively to Members, and the other to Members and their friends?—Yes.

210. Do the numbers which you have mentioned include the friends, or are they entirely Members?—They include Members and friends.

211. Have you any idea what proportion the friends bear to the Members?—I should think, on a rough guess, about one to 20; they are very few: the friends come at dinner, but not at luncheons; the luncheons are not put down as dinners.

REPORT

FROM THE

SELECT COMMITTEE

ON

PLANS FOR NEW DINING ROOMS, &c.;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed*, 4 *August* 1869.

392.

Under 2 *oz.*

HOUSE OF COMMONS (ARRANGEMENTS).

Mem.—

The EVIDENCE and PLANS referred to in the accompanying REPORT have been printed, No. 265, Session 1867-8, and are in the Library of the House of Commons for the use of Members.

17 *March* 1869.

REPORT

FROM THE

SELECT COMMITTEE

ON

HOUSE OF COMMONS (ARRANGEMENTS);

WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

LIST OF PLANS.

Ordered, by The House of Commons, *to be Printed*,
12 *May* 1868;
And to be Reprinted, 12 *March* 1869.

265, of 1868.
0.29.

Wednesday, 19*th February* 1868.

Ordered, That a Select Committee be appointed to consider whether any alteration can be made in the Arrangements of the House of Commons, so as to enable a greater number of Members to hear and take part in the proceedings, and to consider the arrangement of the several rooms and offices attached to the House, and the means of access to the same, with a view to the greater convenience of Members in the discharge of their duties, and how better accommodation can be provided within the precincts of the House, for the transaction of Departmental Business, during the Sittings of the House, by Members holding offices in the Government.

Friday, 6*th March* 1868.

Committee nominated of—

Mr. Headlam.	Lord Elcho.
Lord John Manners.	Mr. Cardwell.
Mr. William Cowper.	Mr. Baillie Cochrane.
Mr. Tite.	Mr. Darby Griffith.
Mr. Bazley.	Mr. John Bright.
Viscount Cranbourne.	Sir Charles Lanyon.
Mr. Hankey.	Mr. Beresford Hope.
Sir Frederick Heygate.	

Ordered, That the Committee have Power to send for Persons, Papers, and Records.

Ordered, That Five be the Quorum of the Committee.

Tuesday, 10*th March* 1868.

Ordered, That Mr. John Bright be discharged from further attendance on the Committee, and that Mr. Waldegrave Leslie be added thereto.

Wednesday, 18*th March* 1868.

Ordered, That the Report and Minutes of Evidence taken before the Select Committee on the House of Commons (Arrangements) in the last Session of Parliament, be referred to the Committee.

Tuesday, 12*th May* 1868.

Ordered, That the Committee have power to report their Observations, together with the Minutes of Evidence taken before them, to The House.

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REPORT.

THE SELECT COMMITTEE appointed to consider whether any alteration can be made in the ARRANGEMENTS of the HOUSE of COMMONS, so as to enable a greater number of Members to hear and take part in the proceedings; and to consider the arrangement of the several rooms and offices attached to the House, and the means of access to the same, with a view to the greater convenience of Members in the discharge of their duties, and how better accommodation can be provided within the precincts of the House for the transaction of Departmental Business, during the Sittings of the House, by Members holding offices in the Government;——HAVE considered the matters to them referred, and have agreed to the following REPORT;

A Committee was appointed on the 25th day of June 1867, consisting, with some few exceptions, of the same Members as those which form the present Committee, to consider whether any alteration could be made in the arrangements of the House of Commons so as to enable a greater number of Members to hear and take part in the proceedings.

By subsequent Order of the House during the Session of 1867, this Committee was instructed to consider the arrangement of the several rooms and offices attached to the House, and the means of access to the same, with a view to the greater convenience of Members in the discharge of their duties; and also to consider how better accommodation could be provided within the precincts of the House for the transaction of Departmental business during the sittings of the House for Members holding offices in the Government. This Committee having during the Session of 1867 examined several witnesses, and received various plans and suggestions, finally determined to report to the House the evidence they had taken, and the plans laid before them, with a recommendation that a Committee on the same subject should be appointed at the commencement of the next Session.

In accordance with this recommendation, the Committee was appointed in this Session, and proceeded immediately to take such further evidence as seemed necessary to complete the inquiry, and enable a Report to be made on the various subjects submitted for consideration.

Your Committee have reason to believe that complaints have from time to time been made of the insufficiency of the accommodation for Members in the present House of Commons, and it is a matter of notoriety that during the Session of 1867, these complaints were more loudly expressed, and assumed a more important character. The Session, however, was an exceptional one, inasmuch as in consequence of the Debates on the subject of Parliamentary Reform a much greater number of Members than usual were for successive nights desirous of obtaining seats from which they could hear and take part in the proceedings.

After, however, making due allowance for the peculiar circumstances of the particular year when this inquiry was directed, your Committee are of opinion that there are substantial grounds for the complaints that were then made, and that the present House of Commons is defective in the necessary extent of accommodation; your Committee, therefore, first considered what improvement

could be made in the arrangements of the House without disturbance of the four walls within which it is at present included.

It appeared in the first place that the columns which support the present galleries might be removed, and the galleries might, without any mechanical difficulty, be otherwise sustained, so as to render the back seats on both sides of the House more available. The seats below the Gallery, which are now allotted to Peers and distinguished strangers, might be appropriated to the use of Members, but your Committee think that it would not be possible to find suitable accommodation elsewhere for those who would be so displaced, and it is to be remembered that even the existing provision is often complained of as insufficient.

The plan marked G is a plan drawn by the architect, Mr. E. M. Barry, at the suggestion of the Chairman, to increase the number of available seats for Members desirous of taking an active part in the proceedings, by bringing the Ministerial and front opposite benches into the middle of the House, and placing the Speaker and Clerks somewhat further back than the position they now occupy.

It was after considering these several suggestions that the Committee came unanimously to the following Resolution, namely:—

> "That no increase of accommodation which can be obtained within the existing four walls of the present House of Commons will be sufficient to meet the requirements."

After having adopted this Resolution, your Committee next considered various plans for increasing the width of the present House of Commons, and after hearing the evidence of the Architect on the subject, they came unanimously to this Resolution:

> "That in the opinion of this Committee, any plan for lateral extension of the present House is tantamount to a reconstruction of the House, and cannot be undertaken without the provision of a temporary House."

Your Committee then considered suggestions that had been submitted to them for increasing the length of the House. The mechanical difficulties of such an alteration are not of the same fatal description as those which interfere with any increase in the width of the House, and it would be possible, were it deemed expedient, to lengthen the present House by throwing back the wall behind the Speaker's chair about 15 feet.

Your Committee would direct the attention of Members to the plans annexed to this Report, which exhibit the form the House would assume were it lengthened in the manner now under consideration (*see* Plan B, of the Report of 1867).

After full consideration of the plans for lengthening the House, and the objections to the proposal, your Committee came unanimously to the following Resolution:

> "That in the opinion of this Committee, it is not desirable to lengthen the present House of Commons."

Your Committee having adopted these Resolutions, proceeded carefully to examine a plan submitted to them by Mr. E. M. Barry.

It may be stated generally, concerning Mr. Barry's proposal, that the present House of Commons is neither pulled down nor injured, but on the contrary restored to the much more beautiful shape it possessed in the year 1850, according to the designs of the late Sir Charles Barry, before it was subjected to any alteration. The effect would be that the ceiling would be raised, the height of the windows greatly increased, and the true architectural proportions restored.

It is suggested that the building so restored should be used partly as a lobby for the exclusive use of Members, and partly for offices connected with the business of the House, to which it is convenient that Members should have great facility of access.

It is then proposed to take down the present dining rooms, and construct a new House of Commons on the space now occupied by the Commons Court and the dining rooms.

To complete the plan, dining-rooms for Members will have to be made on the ground floor, which will open upon the terrace, and be much more spacious than the present rooms. Your Committee think it due to Mr. Barry to give the description of his plans in his own words: —

"THE principle of the plan is the increase of accommodation of all kinds, with the minimum of interference with the existing building. — Principle of plan.

"It provides a new House of Commons, new division lobbies, a new House lobby (formed out of the existing House), a new reading and news room, new rooms for the Government, private Members, and officials, new and enlarged accommodation for the press, a new staircase to the committee-rooms, and new refreshment-rooms. — New accommodation provided.

"Notwithstanding this large increase of accommodation, there would be no alteration of the leading features of the building, nor any external interference with it, except as regards the present Commons court, which is little used, and of no great importance.

"The plans show three different modes of arranging the seats in the House, marked D, D^1, and D^2. In the following description, the figures apply to plan D^1.

"The new House would contain 569 Members, 419 of whom are on the floor, and 330 strangers, making a total of 899 persons. The present House contains 428 Members, of whom 306 are on the floor, and 263 strangers, making a total of 691. The object aimed at has been to provide a House of compact form and arrangement, of good acoustic qualities, and fit for a place of business, without undue regard to purely architectural considerations. — New House of Commons to hold 569 Members, instead of 488, as at present.

"The number of Members present at the three largest divisions, in 1867, was 599, 578, and 518, on occasions of voting on the Bill for the Representation of the People.

"The width of seat provided for each Member is 20 inches, but on crowded nights less than this would probably be found sufficient, in which case the new House would accommodate upwards of 600 Members.

"The form of plan is a square with the corners cut off, forming an octagon with four long and four short sides. By this shape, the arrangement of the seats, according to English Parliamentary precedents, is secured better than would be the case in an octagonal chamber with equal sides. — Form, square, with corners cut off.

"The seats for Peers are at the bar end of the House; they will accommodate 56 persons, instead of 44 as at present. — Peers' seats.

At the opposite end of the House, behind the Speaker's Chair, eight seats are provided for official persons, connected with the Government, to enable them to attend, and communicate with Ministers and heads of departments, when required, during the proceedings of the House. — Official seats.

"Access to the new House would be obtained through the present House, converted into an inner lobby, reserved for Members only. A door at the opposite or Speaker's end of the House opens into the Members' private corridor, adjoining the libraries; corridors at each end of the House open into the Members' private corridor, adjoining the libraries; corridors at each end of the House lead to the division lobbies, which are on either side, and are about 60 feet long and 30 feet wide. In addition to the corridors, there are other doors leading direct from the House to the division lobbies. — Present House converted into a new Inner House lobby. — Division lobbies 60 feet by 30 feet.

"The dimensions of the new House, for 569 Members, are 63 feet by 63 feet, and 39 feet high, containing 154,300 cubic feet of space. The present House, for 430 Members, is 68 feet by 44 feet, and 44 feet high, containing 127,000 cubic feet of space. The latter, however, has no solid floor. The floor is little more than a large iron grating, thoroughly pervious to sound. The effect of this condition can hardly be otherwise than acoustically unsatisfactory, adding as it does to the size of the House, so that the voice of a Member speaking, fills under unfavourable circumstances, not only the House itself, but also the chambers beneath it; as may be easily tested by any person placing himself in the latter during a debate. The amount of space thus added to the House is rather more than one-fifth of its area, or 27,500 cubic feet, making the area now filled by the voices of Members 154,500 cubic feet, or rather more than the cubical contents of the new House proposed for 569 Members. — Dimensions of new House. — Present House.

"The new House is believed to be more favourably planned, acoustically, than the present Chamber, and the floor is solid, and of wood. The centre portion of the ceiling is of glass, with sloping sides of wood; this form having been adopted with a view to acoustic considerations. — The shape of new House acoustically favourable.

"The fresh air is introduced from below through the backs of the Members' seats, by means of double framing. This arrangement is not open to the objections frequently urged against the present system of passing air through the floor, as tending to carry upwards any dust or impurities which may exist upon it, and it has the advantage of securing a larger area for the admission of air, without rendering necessary any extensive perforation of the floor, and consequent interference with its properties as a reflector of sound. The extraction of the vitiated air would be effected through apertures in the sloping sides of the ceiling, but the centre portion would be flat and impervious. — Mode of ventilation proposed.

"The mode of lighting the House is of great importance. The centre of the ceiling being of glass, would admit a large body of daylight, and there are six windows on the two sides of the House. These would add to the cheerfulness of the House, and would admit of being opened in summer, or at other times when desired. It would be possible to light the House at night by means of gas-burners placed above the glass ceiling, as at present. — System of lighting proposed.

Mode of lighting adopted in present House and in Paris.

"This method has been adopted in some of the theatres recently erected in Paris; it is also in use at the present time in the Chamber of the Corps Législatif, in Paris; and by the courtesy of M. de Joly, the architect to that building, I have enjoyed the opportunity of examining in detail the very ingenious arrangements adopted by him to carry out this system, in combination with a skylight, used by day. It has the advantages of keeping all gas-pipes, apparatus, and products of combustion outside the chamber, and, with a proportionate expenditure of gas, abundance of light can be obtained. On the other hand, it is somewhat extravagant, as a large amount of light is wasted, and as the gas is close to the glass, the latter becomes heated to a high temperature, causing danger of breakage, and presenting a large amount of radiating surface from which heat passes into the house. For these and other reasons, I am induced to recommend lighting a new House of Commons by means of sun-burners. To prevent glare, caused by undue concentration of light, 16 sun-burners are proposed. The pipes from the sun-burners would pass directly into the vitiated air chamber above them, and would materially aid the ventilation of the House. This mode of lighting is now extensively used, and has great advantages for public rooms in its simplicity and effectiveness, both as regards lighting and ventilation. To prevent black shadows under the galleries, and to give additional light and cheerfulness to the lower part of the House, the back part of the gallery ceiling is made of glass, with gas-lights behind it. These would be completely shut off from the House, and the products of combustion from them would be carried off by flues in the walls.

Sun-burners recommended.

The present House to be the new House lobby.

"The present House is arranged as a new reserved inner House lobby, for the use of Members only. The present sloping ceiling would be removed, and the room restored to its original handsome architectural appearance; so treated, it would form a striking and convenient entrance to the new House. In it are placed rooms for the post-office, and for the Secretary, and ex-Secretary of the Treasury, and for other purposes. One of these rooms would be available for refreshments, in place of the unsightly stall now placed in the lobby. The rooms of the Secretary of the Treasury are connected with the private room now used by the Government, and a separate staircase leads from these rooms to three additional private rooms over them, and connected with them. These rooms also possess a separate access from the exterior. A similar arrangement, on a smaller scale, is provided for the ex-Secretary of the Treasury. At the opposition end of the reserved lobby a private staircase, for Members only, leads to four private rooms at an upper level. The public approach to these rooms is by a staircase from the present House lobby, and they are suggested, with a view to meet the wishes that have been expressed, for rooms in which private Members may keep their papers, and see their constituents, or other persons on business. On the west side of the reserve lobby a new reading and news-room is provided, 68 feet long, and 23 feet wide. This is obtained by enlarging the existing division lobby, by extending the side wall over the footway below on columns and arches. The Vote-office is at the end of this room, close to the Members' private entrance, and a window of communication is provided, by means of which Members may obtain their papers without leaving the immediate neighbourhood of the House. Access to the Vote-office is also provided from the House lobby, as at present, and greatly increased accommodation is given to this department by the conversion of the present news-room into an additional Vote-office.

Rooms for Secretary and ex-Secretary of the Treasury.

Private rooms for Members.

New reading-rooms, 62 feet by 23 feet.

New and enlarged Vote-office, communicating with reading-rooms.

Official rooms suggested by Mr. G. W. Hunt, M.P.

"A suggestion has been made by the Right Honourable G. Ward Hunt, M.P., for the provision of rooms for the different departments of the Government, where their boxes and papers may be kept, and where Ministers may receive their subordinates on public business. One of the private residences in New Palace Yard, now occupied by Colonel Forester, appears well adapted for this purpose. It is situated over the archways leading from New Palace Yard to the Members' private entrance, and is close to the House of Commons. The entrance and staircase are placed in the corner nearest to the House, and would furnish a private and direct access for Ministers, both to the proposed official rooms, and to the House, enabling them to visit the former on their way to the latter.

Private entrance to official rooms.

New staircases to committee-rooms, &c.

"Another addition proposed in the plan is that of a convenient staircase, placed close to the libraries, and communicating directly with the Committee-rooms on the floor above, and with the smoking-room and proposed refreshment-rooms on the ground-floor.

New staircase reserved for Members.

"This staircase would obviate an inconvenience now often complained of, namely, the distance of the Committee-rooms from the House, by way of the public staircase. The new staircase would be reserved for Members, and would thus give to them a private and direct approach to the Committee-rooms; and as it would be in a central position, between the House and libraries, it would doubtless be found a great convenience.

New refreshment-rooms on a larger scale.

"The present refreshment-rooms have been much complained of, as insufficient to meet the growing demands of Members. Their enlargement has been recommended by Committees, and plans for this purpose have been under the consideration of successive Governments. A proposal has been made to appropriate the conference room, and the rooms adjoining it, as refreshment-rooms for both Houses, served from a common kitchen. There would be many advantages in such an arrangement; but in consequence of its depriving the House of Lords of accommodation at present enjoyed by their Lordships, it has hitherto been considered impracticable. As an alternative, it is therefore now proposed to remove the refreshment-rooms altogether from their present position, and place them on the ground floor, on a line with the present smoking-room, and level with the river terrace. It is also proposed to carry out a similar arrangement as respects the refreshment-

rooms

rooms of the House of Peers, and to concentrate the whole refreshment department at the New Palace under one management, with a central kitchen and offices, in the centre portion of the river front. The Commons' refreshment-room, 72 feet by 42 feet, with an area of 3,024 square feet, is on the north side, close to the Members' smoking-room; and the Peers' refreshment-room, which would be quite distinct, is in a corresponding position on the south side. The present public dining-rooms adjoin these rooms, and four private dining-rooms are also proposed for the use of Peers, or Members, and their friends. The kitchen and offices are on the basement story, and the only external alteration proposed is the substitution of three-light windows for the present windows of two lights, so as to gain additional light and air. The present Commons' refreshment-rooms are 104 feet by 19 feet, with an area of 1,976 square feet, and the new refreshment-room would therefore give an increase of more than 50 per cent. in accommodation.

Close to the present smoking-room.

Present public dining-rooms part of plan.

"A large increase in the accommodation of the Press is provided. At present, the reporters have 19 seats in the front row of the gallery, and a similar number in the second row. The new House provides 22 seats in the front and 22 in the second row. The gallery is placed at the back of the Speaker, as at present.

Accommodation for public press.

"A private approach to the gallery is obtained by the present reporters' staircase and corridor, the latter being prolonged towards the river front. The reporters' room on the ground floor, and the ante-room at the top of the stairs, remain as at present, but the latter would only be used as a waiting-room for messengers, &c.; on each side of the corridor, rooms are devoted to the reporters as follows:—three good and well-lighted rooms for writing and copying, 32 feet by 18 feet; 28 feet by 11 feet; and 28 feet by 11 feet; a refreshment-room, 25 feet by 18 feet; a hat and cloak room, 18 feet by 11 feet, and other accommodation. A corridor at the back of the gallery gives access to the latter, and at the end of the corridor a room is provided as a reference library, the advantages of which have been dwelt on by the representatives of the reporters before the Committee.

Present reporters' entrance and stairs unaltered.

Three well-lighted writing-rooms.

A refreshment-room.

A reference library.

"To meet another suggestion of those gentlemen, two private galleries, to hold 14 persons, are arranged close to the reporters' gallery, but separate from it, and with a distinct access from the reporters' corridor, for the use of editors and leader writers, whose presence in the gallery, under existing arrangements, is complained of by the reporters as tending to interrupt them in the discharge of their duties. In order to obtain sufficient height for the refreshment-room and one of the writing-rooms, it is proposed to raise the floor of two private rooms over them, which can be done without inconvenience.

Private galleries for editors and leader writers.

"Under the proposed arrangements, no necessity would exist for the use by the reporters of Committee-room No. 18, as at present. All their accommodation is compactly arranged, close to their gallery, and they would not need to pass on to the upper floor, or penetrate further into the building. Subjoined is a tabular statement, showing the present and proposed accommodation for this department.

No necessity for use of Committee-rooms by reporters under the new arrangements.

REPORTERS' ACCOMMODATION.

NEW HOUSE.		PRESENT HOUSE.	
Gallery seats, front row - - 22		- - - - - 19	
„ second row - - 22		- - - - - 19	
	44		38
Editors and Leader Writers, in separate galleries.	14	- - - - - -	nil.
TOTAL - - -	58	TOTAL - - -	38
	Area, square feet.		Area, square feet.
Ante-room for Messengers - 26 × 10	260	26 × 10 - - - -	260
Ground floor Room - - 21 × 13	273	21 × 13 - - - -	273
Writing Room - - - 32 × 18	576	26 × 14, with lobby taken out of it.	314
Second ditto - - - 28 × 11	308	14 × 10 - - - -	140
Third ditto - - - - 28 × 11	308	14 × 10 - - - -	140
Reference Library - - 30 × 11	330	- - - - - -	nil.
Refreshment Room - - 25 × 18	450	- - - - - -	nil.
Hat and Cloak Room - - 18 × 11	198	- - - - - -	nil.
TOTAL, Square Feet - - -	2,703	TOTAL, Square Feet - -	1,127

"The present reporters' entrance and staircase remain unaltered.

"The ladies' gallery is placed over the reporters' gallery, as at present, and it is approached by the stairs now used, access to which is provided through the Speaker's Court. It is divided into three compartments, as at present, and each of the two end galleries has a small retiring-room behind it. The width of the three present galleries is 38 feet, and that of the new ones is 33 feet, which, allowing two rows of chairs, will afford space

Ladies' gallery.

Two additional private galleries.

for 42 ladies. A few ladies are at present admitted at the opposite end of the House, and the new plan shows two private galleries answering to those devoted to editors and leader writers. These galleries hold 14 persons, and one or both of them might be allotted to ladies if desired.

No temporary House necessary.

"No temporary House would be rendered necessary by the adoption of the plan. The works being all external to the present House, could be carried on independently of it, and the present House could be used until the new House should be finished.

Table of accommodation.

"The subjoined Tables show the comparative accommodation of the present, and proposed House of Commons, according to the several modes of arranging the seats, marked D, D1, and D2.

"21, Abingdon Street, February 1868. "*Edward M. Barry.*"

Table I.—House of Commons Accommodation.

Plan D.

	Present House.		New House, Plan D 2.		Gain.	Loss.
Members on floor	306		391		–	–
Ditto in gallery	122		150		–	–
		428		541	113	–
Peers and Strangers on floor		44		56	12	–
Officials on floor (Speaker's end)	–	–		8	8	–
Peers and Diplomatic Gallery		21		20	–	1
Speaker's Gallery		43		56	13	–
Strangers' ditto		60		76	16	–
Reporters' ditto		38		44	6	–
Editors' Boxes	–	–		14	14	–
Ladies' Gallery, north end	49		42		–	–
Reserved Gallery, south end	8		14		–	–
		57		56	–	1
		691		871	182	2

Total gain - - - - - 180.
Gain of Members' Seats - - 113.

Table II.—House of Commons Accommodation.

Plan D 1.

	Present House.		New House, Plan D.		Gain.	Loss.
Members on floor	306		419		–	–
Ditto in gallery	122		150		–	–
		428		569	141	–
Peers and Strangers on floor		44		56	12	–
Officials on floor (Speaker's end)	–	–		8	8	–
Peers and Diplomatic Gallery		21		20	–	1
Speaker's Gallery		43		56	13	–
Strangers' ditto		60		76	16	–
Reporters' ditto		38		44	6	–
Editors' Boxes	–	–		14	14	–
Ladies' Gallery, north end	49		42		–	–
Reserved Gallery, south end	8		14		–	–
		57		56	–	1
		691		899	210	2

Total gain - - - - - 208.
Gain of Members' Seats - - - 141.

TABLE III.—HOUSE OF COMMONS ACCOMMODATION.

PLAN D 2.

	PRESENT HOUSE.		NEW HOUSE. PLAN D. 2.		GAIN.	LOSS.
Members on floor	306		403			
Ditto in gallery	122		140			
		428		553	125	–
Peers and Strangers on floor		44		56	12	–
Officials on floor (Speaker's end)	–	–		8	8	–
Peers' and Diplomatic Gallery		21		20	–	1
Speaker's Gallery		43		56	13	–
Strangers' ditto		60		76	16	–
Reporters' ditto		38		44	6	–
Editors' Boxes	–	–		14	14	–
Ladies' Gallery, north end	49		42			
Reserved Gallery, south end	8		14			
		57		56	–	1
		691		883	194	2

Total gain - - - - - 192.

Gain of Members' Seats - - - 125.

With respect to the very important question of the probable expense of these alterations, Mr. Barry has stated in evidence, that the whole might be done for 120,000 *l.*

In the course of the inquiry a suggestion was made that, in addition to the staircase shown on Mr. Barry's plan, a larger and more important staircase should be constructed in the middle of the building, leading from the Central Hall to the Terrace and Dining Rooms. The additional expense of this staircase would be from 2,000 *l.* to 3,000 *l.*

Your Committee have endeavoured to obtain the best information that could be procured upon the difficult subject of acoustics, and they would direct the attention of Members to the evidence of Professor Tyndal and Dr. Percy.

Your Committee have had the advantage of considering the plans and particulars of the Legislative Chambers of Paris, Washington, Berlin, Vienna, Florence, Brussels, and Ottawa, and they would direct the attention of Members to the drawings of these Chambers annexed to this Report.

One general observation may be made on these Houses of Assembly, namely, that they are all, or nearly all, made upon the assumption that a tribune would be used by anyone speaking in them. If this plan were adopted by the House of Commons, the difficult question of acoustics would be much more easily solved, and a very much larger building recommended without fear of inconvenience.

Your Committee, however, believe that such a change is open to serious objection, and would not be in conformity with the wishes of the House. They therefore do not recommend any change in the existing practice of every Member addressing the House from the place where he sits.

Your Committee, after having examined these various plans, and carefully considered the proposals of Mr. Barry, came unanimously to the following resolution:—

> "That an increase of accommodation for Members can be obtained in the most satisfactory manner, and without involving any interruption of the Proceedings of the House, by the erection of a new Chamber in the Commons' Court."

PROCEEDINGS OF THE COMMITTEE.

Monday, 8*th March* 1868.

MEMBERS PRESENT:

Mr. Cowper.	Mr. Baillie Cochrane.
Sir C. Lanyon.	Mr. Headlam.
Mr. Hankey.	

Mr. HEADLAM was called to the Chair.

The Committee deliberated.

[Adjourned till Thursday next, at One o'clock.

Thursday, 12*th March* 1868.

MEMBERS PRESENT:

Mr. HEADLAM in the Chair.

Mr. Waldegrave-Leslie.	Mr. Hankey.
Sir C. Lanyon.	Lord John Manners.
Mr. Darby Griffith.	Mr. Cardwell.
Mr. Bazley.	Lord Cranborne.
Mr. Baillie Cochrane.	Sir F. Heygate.
Mr. W. Cowper.	

Mr. *Edward M. Barry* examined.

Motion made, and Question, "That no increase of accommodation which can be obtained within the existing four walls of the present House of Commons will be sufficient to meet the requirements"—(Mr. *Hankey*)—put, and *agreed to.*

Mr. *Ayrton*, a Member of the House, examined.

Mr. *E. M. Barry* further examined.

Motion made, and Question, "That in the opinion of this Committee any plans for lateral extension of the present House is tantamount to a reconstruction of the House, and cannot be undertaken without the provision of a temporary House"—(Viscount *Cranborne*)—put, and *agreed to.*

[Adjourned till Monday next, at One o'clock.

Monday, 16*th March* 1868.

MEMBERS PRESENT:

Mr. HEADLAM in the Chair.

Mr. Hankey.	Lord John Manners.
Lord Elcho.	Mr. Darby Griffith.
Sir C. Lanyon.	Mr. Waldegrave-Leslie.
Mr. Bazley.	Mr. Cardwell.
Mr. Beresford Hope.	Viscount Cranborne.
Mr. W. Cowper.	

Dr. *Percy* and Professor *Tyndall* severally examined.

The

The Committee deliberated.

Motion made, and Question, "That in the opinion of this Committee it is not desirable to lengthen the present House of Commons"—(Mr. *Beresford Hope*)—put, and *agreed to.*

[Adjourned till Monday next, at One o'clock.

Monday 23*rd March* 1868.

MEMBERS PRESENT:

Mr. HEADLAM in the Chair.

Lord John Manners.	Mr. Waldegrave-Leslie.
Mr. W. Cowper.	Mr. Baillie Cochrane
Mr. Darby Griffith.	Mr. Beresford Hope.
Mr. Bazley.	Viscount Cranborne.
Sir C. Lanyon.	Lord Elcho.
Mr. Hankey.	

Mr. *E. M. Barry* further examined.

Motion made, and Question, "That an increase of accommodation for Members can be obtained in the most satisfactory way, and without involving an interruption of the proceedings of the House, by the erection of a new chamber over the Commons Court"—(Mr. *W. Cowper*)—put, and *agreed to.*

[Adjourned till Monday next, at Two o'clock.

Monday, 30*th March* 1868.

MEMBERS PRESENT:

Mr. HEADLAM in the Chair.

Sir Frederick Heygate.	Mr. Baillie Cochrane.
Mr. W. Cowper.	Mr. Waldegrave-Leslie.
Mr. Darby Griffith.	Mr. Hankey.
Mr. Beresford Hope.	Lord John Manners.
Sir Charles Lanyon.	

Mr. *Edward M. Barry* further examined.

Mr. *Henry Dunphy* and Mr. *James Mould* severally examined.

Mr. *Edward M. Barry* further examined.

[Adjourned till Tuesday 5th May, at One o'clock.

Tuesday, 5*th May* 1868.

MEMBERS PRESENT:

Mr. HEADLAM in the Chair.

Mr. Tite.	Lord Elcho.
Lord John Manners.	Sir Charles Lanyon.
Mr. Beresford Hope.	Mr. Hankey.
Sir Frederick Heygate.	Mr. Baillie Cochrane.
Mr. Darby Griffith.	Mr. Waldegrave-Leslie.
Mr. Cardwell.	

The Committee deliberated.

Mr. *Edward M. Barry* further examined.

[Adjourned till Tuesday next, at One o'clock.

Tuesday, 12th May 1868.

MEMBERS PRESENT:

Mr. HEADLAM in the Chair.

Lord John Manners.	Sir F. Heygate.
Mr. Darby Griffith.	Mr. W. Cowper.
Mr. Baillie Cochrane.	Mr. Tite.
Sir C. Lanyon.	Mr. Hankey.
Mr. Beresford Hope.	

Draft Report proposed by the Chairman, read a first and second time, amended, and *agreed to.*

Question, That this Report, as amended, be the Report of the Committee to the House, —put, and *agreed to.*

Ordered, To Report, together with the Minutes of Evidence and Appendix.

LIST OF PLANS.

PLAN G, proposed by Mr *Headlam*, M.P.

PLAN D for a NEW HOUSE of COMMONS, by *E. M. Barry*, A.R.A.

Plan of Principal Floor	Scale 20 feet to an inch.
Plan of Mezzanine	ditto - ditto.
Plan of the One Pair Floor	ditto - ditto.
Plan for New Dining Rooms	ditto - ditto.
Plan of House, D	8 feet to an inch.
Plan of Mezzanine or Gallery, D	ditto.
Plan of First Floor, D	ditto.
Longitudinal Section	ditto.
Transverse Section	ditto.
Plan of House, D 1	ditto.
Plan of House, D 2	ditto.
Plan of House, D 3	ditto.
Plan of House, D 4	ditto.

PARIS

Senate Chamber:

Ground Plan, 8 feet to an inch.
Section - ditto.

Chamber of the Corps Legislatif:

Ground Plan - - - 8 feet to an inch.
Plan of Upper Galleries - ditto.
Section - - - - - - - - ditto.

BERLIN

House of Lords:

Ground Plan - 20 feet to an inch.
First Floor Plan, 20 - ditto.
Second - ditto - - - ditto.
Plan of House - 8 feet to an inch.
Plan of Gallery Floor - ditto.
Section - - - - - - - ditto.

House of Representatives:

Ground Plan - - 20 feet to an inch.
Principal Floor Plan, 8 ditto.
First Floor Plan - 20 ditto.
Plan of House - - 8 ditto.
Plan of Gallery Floor - ditto.
Longitudinal Section - ditto.
Transverse - ditto - - ditto.

FLORENCE

Senate House:

Plan of House - 8 feet to an inch.
Plan of Gallery Floor - - ditto.
Longitudinal Section - - ditto.
Transverse Section, looking towards Galleries, 8 feet to an inch.
Transverse Section, looking towards Tribune - - ditto.

Chamber of Deputies:

Plan of House - 8 feet to an inch.
Longitudinal Section - ditto.
Transverse Section, looking towards Galleries, 8 feet to an inch.
Transverse Section, looking towards Tribune - - ditto.

WASHINGTON

General Plan of the Capitol, 53 feet to an inch.

Senate House:

Plan of House, 8 feet to an inch.

House of Representatives:

Plan of House, 8 feet to an inch.
Section - - ditto.

CANADA

Parliament Buildings:

Plan of Ground Floor, 20 feet to an inch.
Plan of First Floor - - - ditto.
Transverse Section, 8 feet to an inch.

REPORT

FROM THE

SELECT COMMITTEE

ON

HOUSE OF COMMONS (ARRANGEMENTS);

WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

LIST OF PLANS.

Ordered, by The House of Commons, *to be Printed,*
12 *May* 1868;
And to be Reprinted, 12 *March* 1869.

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FIRST

REPORT

FROM THE

SELECT COMMITTEE

ON THE

KITCHEN AND REFRESHMENT ROOMS (HOUSE OF COMMONS).

Ordered, by The House of Commons, *to be Printed,*
12 *May* 1869.

Wednesday, 17*th February* 1869.

Ordered, THAT a Standing Committee be appointed to Control the Arrangements of the Kitchen and Refreshment-rooms, in the Department of the Serjeant-at-Arms attending this House.

Committee nominated—

Colonel French.	Mr. Fitzwilliam Dick.
Lord Robert Montagu.	Mr. Alderman Lawrence.
Mr. Dalglish.	Mr. Goldney.
Mr. Onslow.	Captain Vivian.
Mr. Adam.	

Ordered, THAT Three be the Quorum of the Committee.

Wednesday, 5*th May* 1869.

Ordered, THAT the Committee have power to Report their Observations to The House.

FIRST REPORT.

THE SELECT COMMITTEE appointed to Control the Arrangement of the KITCHEN and REFRESHMENT ROOMS, HOUSE of COMMONS, in the Department of the SERJEANT-AT-ARMS attending The HOUSE;——HAVE agreed to the following FIRST REPORT:—

YOUR Committee were informed at the commencement of the Session that, during the recess, Mr. Lucas had resigned the appointment of Keeper of the Refreshment Rooms (House of Commons), and that, in consequence, the Serjeant-at-Arms had appointed Mr. Nicholes as Keeper of that Department.

Your Committee have every reason to approve that appointment.

During the present Session up to 8th May, 5,359 dinners and 2,285 luncheons have been served in the Refreshment Rooms. Very few complaints have been made to your Committee, and they have reason to believe that the present arrangements are as satisfactory as, under the peculiar circumstances of the case, is possible.

With a view of increasing the accommodation for Members upon those evenings upon which experience proves that greater accommodation is likely to be required, your Committee have issued an order with reference to the exclusion of strangers from the Members' dining rooms, while at the same time they have made such arrangements that, should it be required, dinner can be procured for the friends of Members elsewhere. Your Committee have had before them a suggestion that Members should have permission for the introduction of their own wines into the cellars of the House of Commons; but your Committee has resolved that any increase in the number of wines is inexpedient, and would lead to great inconvenience.

Your Committee see with satisfaction that in the new plans lately laid before the House by Mr. Barry, it is proposed to adopt the original proposition of converting the present Members' Tea Room and the Conference Chamber into new dining rooms, instead of making alterations in the suite of rooms and offices on a level with the terrace.

12 *May* 1869.

FIRST

REPORT

FROM THE

SELECT COMMITTEE

ON THE

KITCHEN AND REFRESHMENT ROOMS (HOUSE OF COMMONS).

Ordered, by The House of Commons, *to be Printed,*
12 *May* 1869.

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SECOND

REPORT

FROM THE

SELECT COMMITTEE

ON THE

KITCHEN AND REFRESHMENT ROOMS (HOUSE OF COMMONS);

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed,*
5 *August* 1869.

Wednesday, 17*th February* 1869.

Ordered, THAT a Standing Committee be appointed to control the Arrangements of the Kitchen and Refreshment Rooms, in the Department of the Serjeant-at-Arms attending this House.

Committee nominated—

Colonel French.	Mr. Fitzwilliam Dick.
Lord Robert Montagu.	Mr. Alderman Lawrence.
Mr. Dalglish.	Mr. Goldney.
Mr. Onslow.	Captain Vivian.
Mr. Adam.	

Ordered, THAT Three be the Quorum of the Committee.

Wednesday, 5*th May* 1869.

Ordered, THAT the Committee have power to Report their Observations, from time to time, to The House.

SECOND REPORT - - - - - - - - - - p. iii

PROCEEDINGS OF THE COMMITTEE - - - - - - p. iv

SECOND REPORT.

THE SELECT COMMITTEE appointed to control the Arrangements of the KITCHEN and REFRESHMENT ROOMS, in the Department of the SERJEANT-AT-ARMS attending the House:——HAVE agreed to the following REPORT:—

THAT during the present Session, up to 4th of August, 12,795 Members have dined in the Refreshment Rooms.

Your Committee believe that the management of the rooms by Mr. Nicholes continues to give satisfaction; for, although they have received a few complaints from Members during the present Session, Mr. Nicholes has very promptly rectified any fault to which his attention has been at any time called.

Your Committee desire, as in the last Session, to complain of the very insufficient accommodation which is afforded to Members for dining, and to state that they have received numerous protests to that effect.

Your Committee, in accordance with these complaints, desire earnestly to impress upon the House the extreme desirability of this defect being remedied with as little delay as possible.

PROCEEDINGS OF THE COMMITTEE.

Thursday, 18*th February* 1869.

MEMBERS PRESENT:

Colonel French. | Mr. Fitzwilliam Dick.
Mr. Goldney.

Colonel FRENCH was called to the Chair.

Captain *Gossett* stated to the Committee, that in consequence of the resignation of Mr. *Lucas* of the appointment of Keeper of the Refreshment Rooms (House of Commons) during the Recess, the Serjeant-at-Arms had appointed Mr. *Nicholes* as his successor as Keeper of that Department.

Mr. *Nicholes* called in, and examined.

The Committee deliberated.

Ordered, That the attention of the Wine Merchants supplying the House of Commons be called to the Resolution of Wednesday, 20th February 1867, with reference to the number of varieties of wines permitted to be supplied.

Resolved, That the supply of Hungarian wines be limited to four varieties, of which two shall be red wines, and two white wines.

[Adjourned till Thursday next.

Thursday, 25*th February* 1869.

MEMBERS PRESENT:

Colonel FRENCH in the Chair.

Mr. Adam. | Mr. Fitzwilliam Dick.

Mr. *Nicholes* called in, and examined.

The Committee deliberated.

[Adjourned.

Wednesday, 7*th April* 1869.

MEMBERS PRESENT:

Colonel FRENCH in the Chair.

Mr. Dalglish. | Mr. Alderman Lawrence.
Mr. Goldney. | Mr. Adam.

List of necessaries handed in by the Keeper of the Refreshment Rooms.

Ordered, That the Serjeant-at-Arms be requested to give the necessary directions for procuring the same.

The Committee deliberated.

[Adjourned till Wednesday next, at Three o'clock.

Wednesday, 14*th April* 1869.

MEMBERS PRESENT:

Colonel FRENCH in the Chair.

Mr. Adam.	Lord Robert Montagu.
Mr. Fitzwilliam Dick.	Mr. Dalglish.
Captain Vivian.	Mr. Alderman Lawrence.

Mr. *Nicholes* called in, and examined.

The Committee deliberated.

Resolved, "That, in the opinion of the Committee, it is inexpedient that the number of Members of the Committee be increased at this period of the Session."

[Adjourned till Wednesday next.

Wednesday, 21*st April* 1869.

MEMBERS PRESENT:

Colonel FRENCH in the Chair.

Mr. Goldney.	Mr. Alderman Lawrence.
Mr. Fitzwilliam Dick.	Mr. Onslow.
Mr. Adam.	Mr. Dalglish.
Captain Vivian.	

Mr. *Nicholes* called in, and examined.

Resolved, "That no strangers be admitted to the dining-rooms of the House of Commons on the evenings of Monday, Thursday, and Friday, during the hours of five and nine of the clock, until further instructions from this Committee"—(Mr. *Adam*).

The Committee deliberated.

[Adjourned till Wednesday next, at Three o'clock.

Wednesday, 28*th April* 1869.

MEMBERS PRESENT:

Colonel FRENCH in the Chair.

Captain Vivian.	Mr. Onslow.
Mr. Alderman Lawrence.	Mr. Adam.
Mr. Fitzwilliam Dick.	Mr. Dalglish.
Mr. Goldney.	

The Committee deliberated.

Resolved, "That, in the opinion of this Committee, it would be advisable, in consequence of the new regulations with respect to the exclusion of strangers from the dining-rooms of the House of Commons, that new carpets should be provided for the rooms appointed for the use of the friends of Members."

Ordered, That the foregoing Resolution be communicated to the Serjeant-at-Arms.

[Adjourned till Wednesday next.

Wednesday, 5th May 1869.

MEMBERS PRESENT:

Colonel FRENCH in the Chair.

Mr. Alderman Lawrence. | Captain Vivian.
Mr. Adam.

The Committee deliberated.

Letter from Mr. *Walter Johnstone,* a Member of the House, requesting permission for Members to introduce a stock of their own wines into the House of Commons, read.

Resolved, "That, in the opinion of this Committee, any increase in the number of wines admitted into the House is inexpedient, and would lead to great inconvenience."

Resolved, "That, in the opinion of this Committee, it is expedient that new carpets be provided for the Members' dining-rooms, and that the carpets now in the Members' rooms be altered and placed in the strangers' dining-rooms."

Resolved, "That a tank be provided for the preservation of turtle."

Ordered, "That the Serjeant-at-Arms be informed of the above Resolutions."

[Adjourned till Wednesday next, at Ten o'clock.

Wednesday, 12th May 1869.

MEMBERS PRESENT:

Colonel FRENCH in the Chair.

Mr. Adam. | Mr. Onslow.

The Committee deliberated.

DRAFT REPORT brought up, and read, as follows:—

"Your Committee were informed at the commencement of the Session that, during the recess, Mr. Lucas had resigned the appointment of Keeper of the Refreshment Rooms (House of Commons), and that, in consequence, the Serjeant-at-Arms had appointed Mr. Nicholes as Keeper of that Department.

"Your Committee have every reason to approve that appointment.

"During the present Session up to 8th May, 5,359 dinners and 2,285 luncheons have been served in the Refreshment Rooms. Very few complaints have been made to your Committee, and they have reason to believe that the present arrangements are as satisfactory as, under the peculiar circumstances of the case, is possible.

"With a view of increasing the accommodation for Members upon those evenings upon which experience proves that greater accommodation is likely to be required, your Committee have issued an order with reference to the exclusion of strangers from the Members' dining rooms, while at the same time they have made such arrangements that, should it be required, dinner can be procured for the friends of Members elsewhere. Your Committee have had before them a suggestion that Members should have permission for the introduction of their own wines into the cellars of the House of Commons; but your Committee has resolved that any increase in the number of wines is inexpedient, and would lead to great inconvenience.

"Your Committee see with satisfaction that in the new plans lately laid before the House by Mr. Barry, it is proposed to adopt the original proposition of converting the present Members' Tea Room and the Conference Chamber into new dining-rooms, instead of making alterations in the suite of rooms and offices on a level with the terrace."

Report read a second time, and *agreed to.*

Ordered, To Report.

[Adjourned till Wednesday, 2nd June.

Wednesday, 9th June 1869.

MEMBERS PRESENT:

Colonel FRENCH in the Chair.

Mr. Goldney.	Mr. Adam.
Captain Vivian.	Mr. Alderman Lawrence.
Mr. Dalglish.	

The Committee deliberated.

Mr. *Nicholes* examined.

[Adjourned till Wednesday next.

Wednesday, 15th June 1869.

MEMBERS PRESENT:

Colonel FRENCH in the Chair.

Captain Vivian.	Mr. Dalglish.
Mr. Onslow.	

The Committee deliberated.

[Adjourned till Wednesday next.

Wednesday, 23rd June 1869.

MEMBERS PRESENT:

Colonel FRENCH in the Chair.

Mr. Fitzwilliam Dick.	Mr. Adam.

The Committee deliberated.

[Adjourned till Wednesday next.

Wednesday, 30th June 1869.

MEMBERS PRESENT:

Mr. DALGLISH in the Chair.

Mr. Adam.	Mr. Onslow.

The Committee deliberated.

[Adjourned till Wednesday next, at Three o'clock.

Wednesday, 7th July 1869.

MEMBERS PRESENT:

Mr. GOLDNEY in the Chair.

Mr. Dalglish.	Mr. Adam.

The Committee deliberated.

[Adjourned till Wednesday next, at Three o'clock.

Wednesday, 14*th July* 1869.

MEMBERS PRESENT:

Colonel FRENCH in the Chair.

Mr. Onslow.	Mr. Alderman Lawrence.
Mr. Dalglish.	Mr. Adam.
Mr. Fitzwilliam Dick.	

The Committee deliberated.

[Adjourned till Wednesday next.

Wednesday, 21*st July* 1869.

MEMBERS PRESENT:

Colonel FRENCH in the Chair.

Mr. Adam.	Mr. Alderman Lawrence.
Mr. Dalglish.	

Mr. *Nicholes* examined.

The Committee deliberated.

[Adjourned till Wednesday next, at Three o'clock.

Wednesday, 28*th July* 1869.

MEMBERS PRESENT:

Colonel FRENCH in the Chair.

Mr. Adam.	Mr. Alderman Lawrence.

The Committee deliberated.

[Adjourned till Wednesday next, at Three o'clock.

Wednesday, 4*th August* 1869.

MEMBERS PRESENT:

Colonel FRENCH in the Chair.

Mr. Adam.	Mr. Alderman Lawrence.
Mr. Onslow.	

Mr. *Nicholes* called in, and examined.

Mr. *Nicholes* handed in a list of things to the Committee, which he stated would be necessary for next Session.

Resolved, "That the Committee are of opinion that the Serjeant-at-Arms should be requested to apply to the Board of Works to supply the things applied for in this list by Mr. Nicholes."

(signed) *Fitz French*, Chairman.

The Committee deliberated.

PROPOSED REPORT brought up, and read, as follows:—

"THAT during the present Session, up to 4th of August, 12,795 Members have dined in the Refreshment Rooms.

"Your Committee believe that the management of the rooms by Mr. Nicholes continues to give satisfaction; for although they have received a few complaints from Members during the present Session, Mr. Nicholes has very promptly rectified any fault to which his attention has been at any time called.

"Your Committee desire, as in the last Session, to complain of the very insufficient accommodation which is afforded to Members for dining, and to state that they have received numerous protests to that effect. Your Committee, in accordance with these complaints, desire earnestly to impress upon the House the extreme desirability of this defect being remedied with as little delay as possible."

Report read a second time, and *agreed to.*

Ordered, To Report.

SECOND

REPORT

FROM THE

SELECT COMMITTEE

ON THE

KITCHEN AND REFRESHMENT ROOMS (HOUSE OF COMMONS);

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed,*
5 *August* 1869.

398.

Under 1 *oz.*

REPORT

FROM THE

SELECT COMMITTEE

ON

MEMBERS HOLDING CONTRACTS (SIR SYDNEY WATERLOW);

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed,*
15 *March* 1869.

Monday, 22nd February, 1869.

Ordered, THAT a Select Committee of Seven Members be appointed to consider whether Sir Sydney Hedley Waterlow is disqualified from sitting and voting as a Member of this House under the Statute 22 Geo. 3, c. 45, and to report their opinion thereon.

Wednesday, 24th February, 1869.

Committee nominated of—

The Lord Advocate.	Mr. Gathorne Hardy.
Mr. Thomas Chambers.	Mr. Henley.
Mr. Brand.	Mr. Pemberton.
Mr. Headlam.	

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Five be the Quorum of the Committee: Counsel ordered.

Friday, 26th February, 1869.

Ordered, THAT the Petitions of J. Gilchrist Clark and others; Charles Stewart and others; and John Meen and others, Electors of the County of Dumfries, alleging that Sir Sydney Hedley Waterlow is disqualified from sitting or voting in the House, on the ground of his having held a Government Contract at the date of his election for the County of Dumfries, and praying to be heard, by themselves or their Counsel, before the Committee appointed to consider this case, be referred to the Committee.

Monday, 15th March, 1869.

Ordered, THAT the Committee have power to report the Minutes of Evidence taken before them to The House.

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REPORT.

THE SELECT COMMITTEE appointed to consider whether SIR SYDNEY HEDLEY WATERLOW is disqualified from sitting and voting as a Member of this House under the Statute 22 Geo. 3, c. 45, and to Report their Opinion thereon;——HAVE considered the matters to them referred, and have come to the following RESOLUTION, which they have agreed to Report to the House:—

THAT Sir Sydney Hedley Waterlow is disqualified under the Statute 22 Geo. 3, c. 45, from sitting and voting as a Member of this House.

15 *March* 1869.

PROCEEDINGS OF THE COMMITTEE.

Tuesday, 9th March, 1869.

MEMBERS PRESENT:

The Lord Advocate.	Mr. Chambers.
Mr. Headlam.	Mr. Henley.
Mr. Brand.	Mr. Pemberton.
Mr. Gathorne Hardy.	

Mr. *Chambers* was called to the Chair.

The Committee deliberated.

[Adjourned till Monday next, at Twelve o'clock.

Monday, 15*th March,* 1869.

MEMBERS PRESENT:

Mr. CHAMBERS in the Chair.

Mr. Henley.	Mr. Headlam.
The Lord Advocate.	Mr. Gathorne Hardy.
Mr. Brand.	Mr. Pemberton.

Order of the House, 26th February, 1869, read as follows:

"*Ordered.* THAT the Petitions of J. Gilchrist Clark and others; Charles Stewart an others; and John Meen and others, Electors of the County of Dumfries, alleging that Sir Sydney Hedley Waterlow is disqualified from sitting or voting in the House, on the ground of his having held a Government Contract at the date of his election for the County of Dumfries, and praying to be heard, by themselves or their Counsel, before the Committee appointed to consider this case, be referred to the Committee."

Mr. *O'Malley,* Q.C., and Mr. *Clerk,* Q.C., appeared as Counsel for the Petitioners.

Mr. *Graham* appeared as Agent.

Mr. *Rodwell,* Q.C., and Mr. *M'Leod Fullarton* appeared as Counsel for Sir Sydney Hedley Waterlow.

Messrs. *Merriman* and *Pike* appeared as Agents.

Mr. *Fullarton* was heard on behalf of Sir Sydney Hedley Waterlow.

Sir *Sydney Hedley Waterlow* and Mr. *Alfred Waterlow* were severally examined.

Mr. *Fullarton* was further heard on behalf of Sir Sydney Hedley Waterlow.

Room cleared. Committee deliberated.

Resolved, THAT Sir Sydney Hedley Waterlow is disqualified under the Statute 22 Geo. 3, c. 45, from sitting and voting as a Member of this House.

Ordered, To Report the above Resolution, together with the Minutes of Evidence, to The House.

MINUTES OF EVIDENCE.

LIST OF WITNESSES.

Monday, 15*th March* 1869.

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MINUTES OF EVIDENCE.

Monday, 15*th March* 1869.

MEMBERS PRESENT:

Lord Advocate.	Mr. Headlam.
Mr. Brand.	Mr. Henley.
Mr. Thomas Chambers.	Mr. Pemberton.
Mr. Gathorne Hardy.	

THOMAS CHAMBERS, Esq., IN THE CHAIR.

Sir SYDNEY HEDLEY WATERLOW called; Examined by Mr. *Macleod Fullarton.*

Sir *S. H. Waterlow.*

15 March 1869.

1. I BELIEVE that up to the 16th of October 1868, you were a partner in the firm of Messrs. Waterlow and Sons?—I was.

2. In March of 1866 did you send in to the Stationery Department a tender in the form which is given in this paper?—A tender was sent in by the firm.

3. In that form?—Yes.

4. On the same day did you receive an acceptance of that tender from the Comptroller of the Stationery Department in this form (*handing a paper to the Witness*)?—There is no doubt that it was so.

5. Mr. *O'Malley.*] There is no question about that. (To the *Witness.*) The goods were supplied?—Yes.

6. Mr. *Macleod Fullarton.*] I believe that the orders were sent to your firm written, were they not; written orders were sent for the execution of particular work?—Yes.

7. Is this the form of the orders supplied to you from time to time by that department (*handing a paper to the Witness*)?—Yes; I believe that that is a correct copy.

8. Previously to the 16th of October, had you had intentions to enter Parliament if you could obtain a seat; previously to the 16th of October had you made any communication to the partners of your firm relative to your entering Parliament?—I had discussed the probability of my entering Parliament with my brothers for some months, and had arranged with them the course to be taken in the event of my becoming a candidate.

9. What arrangements had been agreed upon between you in that event?—In discussing the matter, we had always agreed that I should cease to be a member of the firm, but we did not discuss the terms of the dissolution until the 16th of October.

10. Mr. *Headlam.*] The event to which you allude was being elected?—I had been solicited to stand for many places, and I had discussed with my brothers the question of my going into Parliament, and had always considered that if I went into Parliament I must go out of the firm; but the exact terms of

Sir *S. H. Waterlow.*

15 March 1869.

the dissolution were not discussed until the 16th of October, when I called my partners together for the purpose of discussing them.

11. *Lord Advocate.*] Not contingently, but absolutely?—Actually.

12. Mr. *Macleod Fullarton.*] Previously to the 16th of October had any proposals been made to you to stand for a seat?—Some five or six places had been mentioned to me.

13. In consequence of that, did you on the 16th of October hold a meeting with the other partners of your firm?—I by letter asked my brothers to attend.

14. Mr. *O'Malley.*] Will you produce the letter?—I cannot produce the letter; it was a mere memorandum; it was merely, "Dear Alfred,—Please come to London to-morrow, I want to settle the terms of dissolution"; or something to that effect.

15. Mr. *Macleod Fullarton.*] Did you and the other partners of your firm hold a meeting on the 16th October?—Yes; at about 11 o'clock in the morning.

16. What arrangement, if any, was come to between you on that occasion?—I said "I am going down to Maidstone this afternoon; before I go we must have a distinct understanding of the terms of the dissolution." My brother said, "The stock was taken on the 30th of September last" (that was about a fortnight before), "and the books were balanced." I said "Yes, and no doubt that is the most convenient time for my interest in the concern to cease." My brother then said, "What about the capital?" I said, "I am quite satisfied to take the capital back in the same way as my executors would have done if I had died, and in the meanwhile you are to pay 5 per cent. interest." Those are, I believe, the strict terms of the deed. I have not read the deed, but I believe them to be so. The periods at which the capital is to be returned are there stated.

17. Mr. *Headlam.*] This was on the 16th of October?—Yes; in a private conversation in the counting-house, my two partners being present. I believe that I said to my eldest brother, who always attends to the finances, and to any legal part of the business, "I shall leave the arrangement in your hands to carry it out."

18. Was any memorandum made in writing on that 16th of October?—No; I then went to Dumfriesshire and thought no more about it.

19. Mr. *Brand.*] Were you a candidate for any place on the 16th of October?—I was going to Maidstone, through the recommendation of Mr. Glyn; I went by the two o'clock train, and after examining the register, I thought that I had not so good a chance there as elsewhere; but it was in consequence of going down to Maidstone to see whether or not I would start for Mid-Kent that I thought it necessary to have a distinct understanding with regard to the dissolution of partnership.

20. Mr. *Macleod Fullarton.*] Your business is a very large one?—It is very large; this Government contract is not a 20th part of our business.

21. I suppose that a reduction into figures, and a final balance-sheet between you, would have occupied a long time?—Yes; the stock is taken annually, and it always takes nearly three months to carry it out; it is always taken on the 30th September, and it is made out and adjusted as quickly as the course of business will allow; I do not think that it has ever been done under two months, and it generally takes three months.

22. Have you taken any benefit, as a partner, in any contract of the firm after the 30th of September?—I have taken no part in the business, and have not entered into it in any way whatever since the 16th of October.

23. *Chairman.*] What was the next step which you took in relation to this dissolution of partnership, after the 16th of October?—I went to Maidstone on the Friday, and stopped there till Saturday, mid-day; I came back to London on Saturday afternoon; I telegraphed on Monday night to Dumfries; I saw Mr. Glyn, and represented to him that I could not go to Mid-Kent, although he urged me to do so, and I went to Dumfries on the Tuesday night, and with the exception of three days in the interval, when I came to town, I was wholly engaged in the canvassing.

24. Up to the time of the election?—Up to the day of the declaration; I came back on the Tuesday, the declaration having been made on the Monday; an appointment was made for me to attend the solicitors on the Thursday, and I attended and signed the deed, and it was gazetted on the Friday.

25. Mr.

25. Mr. *Headlam.*] Then you knew nothing about the dissolution between the 16th of October and the 26th of November?—I think that no conversation took place, except a hurried one about a week after the 16th of October; I was in town for three days, and I discussed with my brothers their terms of my address, and whether I should become a candidate. The speeches to which Mr. O'Malley has referred were made before I became a candidate, and my address was issued on the 30th. The only conversation was this; I said shortly to my brother, "Well, then, there is no doubt about the terms of the agreement for a dissolution. There is one point which I forgot to mention; I hope that you will take care that my boy's interest does not suffer because I have left the firm." After that I do not think that a word passed.

26. Then it was treated as if you had left the firm, and not as a future event?—Just so; I said to my brother who has no sons, "I hope that you will see that my son does not suffer because I have left the business."

27. *Lord Advocate.*] Who prepared the draft of the deed of dissolution?—I believe that it was prepared by my elder brother.

28. Whom did he instruct?—Messrs. Merriman and Pike, our ordinary solicitors.

29. Can you tell me when those instructions were given?—No; but Mr. Pike is here, who, I dare say, can tell you.

30. Was anything said at the first meeting, when you arranged the terms, about having the contract of dissolution drawn out?—I think that all that was said by me was, "Well, then, I will leave the adjustment of it to you," speaking to my eldest brother, who always manages these things; I did not say anything definite, because I never attended to that part of the business, namely, the taking care of the deeds or the leases; in fact, I had never myself been in the habit of instructing the solicitor.

31. Were you aware, or not, at the time of the declaration of the poll, that there was no writing upon the subject?—I had not the remotest impression that there was any difficulty at all.

32. Did you know that there was no writing at that time, or had you any recollection upon the subject?—I knew that I had not signed the deed, because I had not been to London; in fact, I never thought about it; I was absorbed in politics, and never considered it; if I had I should have gone up and have signed the deed.

33. *Chairman.*] When you came to London, you found the deed dated on the 16th of October?—I came to London on the Tuesday, and the appointment was for the Thursday.

34. But you then found the deed dated the 16th October?—Yes; because that was the day on which we agreed to it.

35. Mr. *Gathorne Hardy.*] Had you made previous tenders to the Government before 1866?—The firm had been in the habit of tendering to the Government, both to buy and to sell goods once a month.

36. Was that in the same sort of form as in this case?—No; it was by letter.

37. Was this the first long contract which you had?—This was the largest contract done by the firm.

38. On the back of this document it appears to be a contract from 1866 to 1872?—Yes.

39. But previously you had been on short engagements?—Previously it had been a particular piece of work, or to buy a particular parcel of goods, and to pay for those and take them away.

40. Mr. *Macleod Fullarton.*] When you went to Dumfries, I believe that you made a speech at Lockerbie?—Yes; I attended, I should think, 20 meetings.

41. Did you make any public statement to the meeting at Lockerbie, in consequence of your firm being Government contractors?—I have looked up the three reports of what I said at Lockerbie.

42. Can you recollect, as nearly as possible, what you said?—There are three reports; Mr. O'Malley read from the one which, no doubt, he thought contained words which were the most prejudicial to me.

43. Mr. *O'Malley.*] I read from your own paper?—Those who are instructing you gave you that one; but the Tory paper and the Radical paper both agree, but they differ from the one which my friend has read.

Sir *S. H. Waterlow.* 15 March 1869.

44. Mr. *Headlam.*] Let us hear them all?—I may state that the report is a very condensed one; I dwelt at some little length upon this question, because it had been urged against me that I was so much occupied as a commercial man that I could not attend to the business of the constituency; and therefore I was anxious to impress upon them that I had given up all my interest, and that I was obliged to do so, because I could not be a Member of Parliament unless I did so. This is the Conservative paper, the "Herald." What I said is of course transposed, and put into the third person. "He had had more satisfaction out of his work than out of anything else, and if he should be fortunate enough to be sent up to the House of Commons, as the representative of this county, he would give up his private work, and devote himself solely to their interest. The firm with which he was connected were Government contractors, and therefore he would require to give up his work; but of course he would continue his duties as a magistrate, which, he might say, were not very onerous."

45. Mr. *Brand.*] Do you endorse that as being correct?—That is correct as far as I can recollect. I felt that I had made the arrangement, and should be obliged to keep that arrangement. I had not signed it; I had not then become a candidate.

46. Mr. *Headlam.*] That is put in a contingent form; just read the sentence again?—"If he should be fortunate enough to be sent up to the House of Commons, as the representative of this county, he would give up his private work." I do not recollect the exact words, but I should not like to say that that is incorrect.

47. Mr. *Pemberton.*] It did not strike you as incorrect when you read it?—It did not strike me as incorrect. I had upon my mind the notion that I must fulfil the engagement which I had made.

48. Was any communication made to the Government by you before the 2nd of December, on which day the letter was written by your firm; was any communication of the arrangement of the 16th of October made to the Government Department before the 2nd of December?—Not to my knowledge.

49. A letter has been put in from your firm, dated the 2nd December, stating that you had retired as from the 16th of October; no communication was previously made of that to the Government?—Not to my knowledge.

50. You have said that this dissolution of partnership was executed on the 26th of November?—Yes, on the Thursday.

51. Was it executed by your brothers at the same time?—I was not present when they executed it; Mr. Pike, the solicitor, who drew it, is here, and possibly can tell you that.

52. There is no attestation clause which shows on which day each person who signed, did sign?—I am not sure whether my brothers signed on the same day or not; they were not present when I signed it.

53. *Chairman.*] Were the other signatures there when you executed it?—They must have been if, as has been stated, I signed last. The solicitor is here; there is no desire at all to keep any fact back.

54. Mr. *Macleod Fullarton.*] I believe that the nomination took place on the 21st of November?—It was on the 19th, the poll was on the 21st, and the declaration was on the 23rd.

55. Immediately after that I believe that you returned to London, on the next day?—The declaration was on the Monday, and I came to London on the Tuesday.

56. And on the 26th you signed that deed which has been put in?—Yes.

57. On the 27th did you go to the Government office, and will you state what passed on the 27th at the Government office?—I took my nephew to the office, and I introduced him to the Comptroller, and told the Comptroller that I retired from the business, and that the Gazette notice would be sent to him.

58. Was any suggestion made to you by any person at the office with regard to writing a letter to the office?—I think that Mr. Greg said that it would be better to have an intimation sent by the firm; I do not know whether it was Mr. Greg, or somebody else, who made that statement, but I think that somebody said that it would be better that a written communication should be sent.

59. And accordingly you sent in the written intimation which has been already

already put in?—I told my brothers, and the letter which has been put in was sent.

60. Messrs. Waterlow and Sons sent it in?—Yes.

61. And on the same day your firm received the answer which has been put in?—I believe so; I did not receive it.

62. I believe that your election was petitioned against?—Yes; my return was petitioned against.

Chairman.] I do not know that that is very material; that petition was afterwards withdrawn.

Mr. *Macleod Fullarton.*] I believe that the statements with regard to the election petition in Scotland are accepted by my learned friend.

Cross-examined by Mr. *O'Malley.*

63. I understand that your own impression was that, provided you got rid of your contract before you took your seat, it would be sufficient?—I had never seen the Act of Parliament, but the impression on my mind was that a gentleman could not be a Member of the House of Commons who was a Government contractor.

64. Did you yourself state that your impression was that, provided you got rid of your contract before sitting and voting, that would be sufficient?—I am not aware that that entered into my mind at all.

65. What entered into your mind when you made the statement which you made down in Scotland on the 26th?—My desire was to satisfy the electors that I should give up all my commercial business.

66. You said that if elected you should have to retire from your partnership; what did you mean by that?—I meant certainly that if elected the arrangement which had been made would be completed.

67. Of course, when you stated that to the electors, you considered yourself to be still a contractor to the Government, and still interested in the firm?—I cannot say; I knew that I had made an arrangement with my brothers for a dissolution of partnership.

68. Did you make an arrangement with your brothers that if elected you should leave the partnership?—No.

69. Had you the least notion of retiring from that partnership if you were not elected, and of giving up all your private business?—Certainly.

70. Had the thought of retiring ever come into your mind before you started for Parliament?—Yes, certainly, before I ever heard of Dumfries; Mr. Glyn was negociating for my being a candidate at other places; and in order that he might be satisfied that I was a fit and proper person, I told him that I had made an arrangement with my brothers to go out of the business, and I did so because he has known me and known my business connections for a great many years, and has understood them.

71. I asked you about a Parliamentary career; apart from the notion of going into Parliament, had you the slightest notion of retiring from the partnership?—No, certainly not; it was never discussed until the question of my going into Parliament arose.

72. I understand you to say that the expressions which you used down at that election, were used *bonâ fide*?—Yes; I have read the account from the Tory paper, to which I have no objection.

73. I understand you that the letter which was received from the Government office, was a letter directed to the partners of your new firm; I think that you said that you did not see it, that it was not directed to you?—It was not directed to me, certainly.

74. With respect to the deed which you have put in, are you quite sure that it was prepared before the 26th of October?—Certainly not; I have said that the solicitor is here, and will tell you when it was prepared. I never saw it or heard a word about it until I came home from Dumfries.

Re-examined by Mr. *Macleod Fullarton.*

75. There is one question which I have omitted to put to you, namely, whether you can tell us whether the orders received from the Government by your

Sir *S. H. Waterlow.* 15 March 1869.

your firm before the 30th September 1868, were all executed and done with, before the date of your election?—At your request, I had the books looked to, and I have looked at the matter myself, and I find that every order received before the 30th of September was completed; they delivered the last one on the 10th of November, and at the time of my election there was no work in the house from which I had any benefit or advantage.

76. Mr. *O'Malley.*] There was other work sent in between that and the 2nd of December?—There was work sent in every day.

77. Has all the work been paid for?—Up to what period?

78. Up to the period even of the 16th of October?—The quarterly account up to the 30th of September has been paid; whether the Christmas quarter has been paid or not I do not know, because I have not been taking part, but I may say that there are parties here who can give you that information.

79. The Government pay quarterly?—Yes.

Mr. Alfred Waterlow called; Examined by Mr. *Macleod Fullarton.*

Mr. *A. Waterlow.*

80. You are a partner in the firm of Waterlow and Sons, and a brother of Sir Sydney Waterlow?—Yes.

81. You have heard the evidence which your brother has given with regard to what passed between him and the other members of the firm on the 16th of October 1868?—Yes.

82. Do you agree with the account which he has given?—Yes.

83. It is correct, according to your memory?—Quite correct; it was hardly so strong as I have an impression of it. I considered that the partnership was dissolved on the 16th of October, and I should say that then Sir Sydney had retired from the firm.

84. Did you and your partner, Mr. Walter Blanford Waterlow, from that time continue to carry on the business by yourselves, without the interference, as partner, of Sir Sydney Waterlow?—Quite so.

85. And has Sir Sydney Waterlow received from you any benefit as partner, under the contracts made by you since the dissolution of partnership on the 16th of October?—Certainly not.

86. Can you tell us whether all the orders received from the Stationery Department anterior to the 30th of September, had been executed before the date of the election?—I cannot tell that.

87. You have not examined the books?—I have no doubt about it, but I have not examined the books.

Cross-examined by Mr. *Clerk.*

88. Your firm, I believe, keeps the same name all along, namely, "Waterlow and Sons"?—Yes.

89. It was so when the contract was entered into in 1866, and it was so when you wrote to the Comptroller in last year?—Yes; it has been so continuously for 26 years.

90. When did you first give any notice, or instructions, to your solicitor to prepare a deed of dissolution?—I have been trying to recollect; I cannot speak positively as to the date; I have a very strong impression, if that is of any use, but I cannot state precisely.

91. Your solicitor, I suppose, is here?—No; the solicitor to whom I spoke is not here.

92. Do you know which solicitor prepared the deed?—I gave instructions to Mr. Merriman, I believe within an hour after leaving the interview at which I considered that the partnership was dissolved.

93. Can you tell me when you executed that deed yourself?—I cannot.

94. Was it on the same day as your brother, Sir Sydney, executed it?—Looking at it, I have no doubt about it, that it was all executed on the same day; I directed my clerk to take it to my brother, and he returned it to me.

95. I think that you will see that it was stamped on the 1st of December?—It was executed unstamped; I have no doubt about it; that has been always our custom.

96. There

96. There is the Government stamp with the date there?—Yes.

97. You have been a long time in business yourself, have you not?—Yes.

98. Has the business since you have managed it always consisted of the same partners as it did when you executed that deed in November?—No.

99. It has varied at different times?—My father at one time was a partner, and also one of my brothers, who died.

100. When your father retired, was a notice of the retirement given in the "Gazette"?—I am almost sure that it was; I am certain of it.

101. You being so familiar with business, can you tell the Committee how it was that no notice of this dissolution of the partnership in October was given in the "Gazette" before the 27th of November?—I cannot say why it was not done; I have been in partnership with my brother for 23 years, and he takes my work, and I take his work, and we do not immediately put into writing what we agree to.

102. But it so happens that it was six days after the election in Dumfriesshire?—Yes.

103. *Lord Advocate.*] You say that you cannot recollect the day on which you gave the instructions to your solicitor?—I cannot say precisely; I am in the habit of calling upon my solicitor, perhaps, four days a week, and sometimes twice a day.

104. Were the instructions which you gave him, when you did give them, verbal instructions?—Yes; they were very short.

105. Can you give us any idea of the time which elapsed between the 16th of October and your giving those instructions?—I feel quite certain that it was within five or six days.

106. To whom did you give those instructions?—To Mr. Merriman.

107. Where is he?—He is, I think, on the election petition at Blackburn.

108. *Chairman.*] His partner is here?—His partner is here.

109. *Lord Advocate.*] Have you no means at all of clearing up the matter as to when the instructions were given?—If I had known that the question was to be asked me, I daresay that I could have cleared it up. I believe that it was within an hour of the time when the agreement was come to.

110. Mr. *Gathorne Hardy.*] Can you recollect when the deed for the dissolution of partnership was first brought to you in its written state; did you see this deed of dissolution before the day on which you signed it?—I saw the draft of it.

111. When did you see the draft of it?—Not before the date of it.

112. The date is the 16th of October?—That was the day on which the agreement was made.

113. You signed this document on the 26th of November?—Yes.

114. How long before that had you seen the draft?—I should think two or three days; I recollect reading it, and making some alterations in it, and returning it, and then it was engrossed.

115. *Chairman.*] Did you communicate with Mr. Pike at all about it at any time?—I do not think that I saw Mr. Pike about it at all.

Mr. *Pike.*] With reference to the stamp on the deed, I see that the deed was engrossed in our own office, and I should say that we had not a stamp in the office at the time; it is impossible for my partner to be here to-day, as he is engaged on the Blackburn Election Petition, which was one reason why I desired that this inquiry should be postponed.

Mr. *Pemberton.*] There is no date on the deed.

Mr. *Pike.*] There is not any date, sir.

Mr. *O'Malley.*] I see, sir, that this deed was engrossed on the 26th of November.

Mr. *Pike.*] It was quite well known in our office that Sir Sydney was engaged in Dumfriesshire, and I can say that whenever the instructions were given to Mr. Merriman, I am sure that he would not have put any pressure upon the matter knowing of Sir Sydney's absence, and knowing that it was inevitable that the matter must stand over until his return. The same reason would account for the date of the notice in the "Gazette," and for the dissolution of partnership not being until the 27th. I may

Mr. *A. Waterlow.*

15 March 1869.

explain that if a "Gazette" dissolution is signed out of London it has to be verified by an attorney; and it was therefore left until Sir Sydney Waterlow's return to London.

Mr. *O'Malley.*] There was a blank for the date in the engrossment; it is, "This Indenture made the day of November 1868."

Chairman.] That is the universal practice.

Mr. *O'Malley.*] It is the usual practice when the deed is to be optional, but not otherwise.

Mr. *Pike.*] The date is never filled in.

Mr. *Macleod Fullarton* was heard to address the Committee on behalf of Sir Sydney Waterlow.

REPORT

FROM THE

SELECT COMMITTEE

ON

MEMBERS HOLDING CONTRACTS (SIR SYDNEY WATERLOW);

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed.*
15 *March* 1869.

78.

Under 2 *oz.*

FIRST REPORT

FROM THE

COMMITTEE OF SELECTION

RELATIVE TO THE

GROUPING OF PRIVATE BILLS.

CLASSIFICATION OF PRIVATE BILLS.

The Committee of Selection have formed the following Private Bills into Groups, and have agreed to Report the same to the House:

GROUP A.

Aylesbury, Thame, &c. Road.
Brighton, Shoreham, and Lancing Roads.
Gateshead and Hexham Roads.
West Auckland Road.

GROUP B.

Brymbo Water.
Cleveland Water.
Nottingham Water.
West Middlesex Water.

GROUP C.

Brean Down Harbour and Docks.
Mersey Docks and Harbour Board.
Workington Harbour.

GROUP D.

Dukinfield and Denton Local Boards of Health.
Maryport Town and Harbour Gas.
West Ham Gas.

Group E.

Grimsby Corporation.
Leeds Improvement.
Pontefract Park Trustees, &c.

GROUP F.

Glasgow City and Suburban Gas.
Glasgow Corporation Gas (Purchase, &c.)
Glasgow Corporation Gas (New Works, &c.)
Glasgow Gas.

GROUP G.

Great Central Gas.
Imperial Gas.
South Metropolitan Gas.

GROUP H.

Metropolitan Street Tramways.
Metropolitan Tramways.
Pimlico, Peckham, and Greenwich Street Tramways.

FIRST REPORT FROM THE COMMITTEE OF SELECTION.

Ordered, by The House of Commons, *to be Printed,*
4 *March* 1869.

SECOND REPORT

FROM THE

COMMITTEE OF SELECTION

RELATIVE TO THE

GROUPING OF PRIVATE BILLS.

CLASSIFICATION OF PRIVATE BILLS.

The Committee of Selection have made certain alterations in the Groups of Private Bills already formed, and have agreed to Report the same to the House, as follows:

GROUP B.

They have withdrawn the—

Nottingham Water.

Cleveland Water.

GROUP H.

They have withdrawn the—

Metropolitan Street Tramways.

Metropolitan Tramways.

Pimlico, Peckham, and Greenwich Street Tramways.

COMMITTEE OF SELECTION.

SECOND REPORT

FROM THE

COMMITTEE OF SELECTION.

Ordered, by The House of Commons, *to be Printed,*
9 *March* 1869.

64—I.

THIRD REPORT

FROM THE

COMMITTEE OF SELECTION

RELATIVE TO THE

GROUPING OF PRIVATE BILLS.

CLASSIFICATION OF PRIVATE BILLS.

The Committee of Selection have made certain alterations in the Groups of Private Bills already formed, and have agreed to Report the same to the House, as follows:

GROUP B.

They have withdrawn the—

West Middlesex Water.

GROUP C.

They have withdrawn the—

Workington Harbour.

GROUP D.

They have withdrawn the—

West Ham Gas.

COMMITTEE OF SELECTION.

THIRD REPORT

FROM THE

COMMITTEE OF SELECTION.

Ordered, by The House of Commons, *to be Printed,*
12 *March* 1869.

FOURTH REPORT

FROM THE

COMMITTEE OF SELECTION

RELATIVE TO THE

GROUPING OF PRIVATE BILLS.

CLASSIFICATION OF PRIVATE BILLS.

THE COMMITTEE OF SELECTION have formed certain Private Bills into additional Groups, and have agreed to Report the same to the House, as follows:

GROUP H.

They have added the—

Bradford Water.
Cleveland Water.
Huddersfield Water.
Keighley Water.
Nottingham Water.

GROUP I.

Accrington Gas and Water.
Barnstaple Gas (No. 1).
Cleckheaton Gas.
Oswaldtwistle Local Board.
Radcliffe and Pilkington Gas.

GROUP K.

Brighton Aquarium and Improvements.
Cray Valley Sewerage and Drainage.
Milford Improvement.
Wolverhampton Borough Improvement.

GROUP L.

Preston Corporation.
Saint Helens Borough Improvement.
Stockton-on-Tees Extension and Improvement.

GROUP M.

Dublin Port and Docks.
Clontarf Township.
Kingstown Town.
Sligo Borough Improvement.

GROUP N.

Dundee Harbour.
Hartlepool Port and Harbour.
Newport Harbour Commissioners.
Portleven Harbour.

GROUP O.

Albert Bridge.
Great Tower Hill.
Kew and other Bridges.
London (City) Subways.

GROUP P.

Belgrave Market.
Belgravia and South Kensington New Road.
Park Lane Improvement.

GROUP Q.

Manchester Corporation Waterworks and Improvement.
Mossley Water.
Oldham Corporation Water, &c.
Spalding Water.

GROUP R.

Dumbarton Water, &c.
Dundee Water.
Edinburgh and District Water.

COMMITTEE OF SELECTION.

FOURTH REPORT FROM THE COMMITTEE OF SELECTION.

Ordered, by The House of Commons, *to be Printed,*
2 *April* 1869.

64—III.

Under 1 *oz.*

FIFTH REPORT

FROM THE

COMMITTEE OF SELECTION

RELATIVE TO THE

GROUPING OF PRIVATE BILLS.

CLASSIFICATION OF PRIVATE BILLS.

The Committee of Selection have made certain alterations in the Groups of Private Bills already formed, and have agreed to Report the same to the House, as follows:

GROUP H.

They have withdrawn the—

Cleveland Water.

GROUP R.

They have added the—

Cleveland Water.

FIFTH REPORT

FROM THE

COMMITTEE OF SELECTION.

Ordered, by The House of Commons, *to be Printed,*
6 *April* 1869.

SIXTH REPORT

FROM THE

COMMITTEE OF SELECTION

RELATIVE TO THE

GROUPING OF PRIVATE BILLS.

CLASSIFICATION OF PRIVATE BILLS.

The Committee of Selection have made an alteration in a Group of Private Bills already formed, and have agreed to Report the same, as follows:

GROUP F.

They have added the—

Bridgend (Glamorganshire) Gas and Water.

COMMITTEE OF SELECTION.

SIXTH REPORT FROM THE COMMITTEE OF SELECTION.

Ordered, by The House of Commons, *to be Printed*,
23 *April* 1869.

64—V.

SEVENTH REPORT

FROM THE

COMMITTEE OF SELECTION

RELATIVE TO THE

GROUPING OF PRIVATE BILLS.

CLASSIFICATION OF PRIVATE BILLS.

The Committee of Selection have formed certain Private Bills into additional Groups, and have agreed to Report the same to the House, as follows:

GROUP S.

Aberdare and Aberaman Gas.
Milnrow Gas.
Walton-on-Thames and Weybridge Gas.

GROUP T.

West Surrey Water.
Severn Navigation.

SEVENTH

REPORT

FROM THE

COMMITTEE OF SELECTION.

Ordered, by The House of Commons, *to be Printed,*
4 *June* 1869.

FIRST REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

THE GENERAL COMMITTEE on RAILWAY and CANAL BILLS have formed the following Bills into Groups, and have agreed to Report the same to The House:—

Group 1.

Read 2°.		
1 March	1. Metropolitan District Railway.	England.
3 March	2. Metropolitan Railway.	Metropolitan Railway District and Suburbs.
2 Feb.	3. Metropolitan (Southern District) Railway.	
	4. London and South Western (Further Powers) Railway.	South East.
8 March	5. London, Chatham, and Dover Railway.	
8 March	6. Crystal Palace and South London Junction Railway.	
8 March	7. Hounslow and Metropolitan Railway.	

Group 2.

3 March	1. Metropolitan Street Tramways.	
4 March	2. Pimlico, Peckham, and Greenwich (Street) Tramways.	
4 March	3. Metropolitan Tramways.	

Group 3.

3 March	1. Bristol Harbour Railway.	South West.
	2. Devon and Cornwall Railway.	
2 March	3. London and South Western Railway (Extension of Time).	
3 March	4. Great Western Railway.	Central.
2 March	5. London and North Western Railway.	
	6. Manchester and Stockport Railway.	
2 March	7. Manchester, Sheffield, and Lincolnshire Railway.	
3 March	8. Manchester, Sheffield, and Lincolnshire, and Midland Railway Companies.	
3 March	9. Midland Railway.	
3 March	10. Stony Stratford Railway.	
5 March	11. Hereford, Hay, and Brecon Railway.	
	12. Neath and Brecon and Swansea Vale and Neath and Brecon Junction Railway Companies.	Wales.

Group 4.

Read 2°.

North.

1. Birkenhead and Liverpool Railways.
8 March 2. Garstang and Knot End Railway.
3 March 3. Lancashire and Yorkshire Railway.
3 March 4. Midland and London and North Western Railway Companies.
3 March 5. North Eastern Railway.

Group 5.

East.

1. East Norfolk Railway.
8 March 2. Great Eastern Railway (Steamboats).
8 March 3. Great Eastern Railway.
4. Southend and Shoeburyness Railway.
23 Feb. 5. Watton and Swaffham Railway.

Group 6.

Scotland.

3 March 1. Caledonian Railway.
3 March 2. Caledonian, Glasgow, and South Western, and Crofthead and Kilmarnock Extension Railway Companies.
3 March 3. Glasgow and South Western Railway.
5 March 4. Glasgow City Union Railway.
8 March 5. North British Railway.

Ireland.

3 March 6. Dublin and Drogheda.
2 March 7. Enniskillen, Bundoran, and Sligo Railway.
8. Waterford, New Ross, and Wexford Junction Railway.

FIRST REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

Ordered, by The House of Commons, *to be Printed,*
16 *March* 1869.

81.

Under 1 *oz.*

SECOND REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

The General Committee on Railway and Canal Bills have transferred the London and North Western Railway Bill from Group 3 to Group 4, and have agreed to Report the same to The House.

SECOND REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

Ordered, by The House of Commons, *to be Printed,*
8 *April* 1869.

81—I.

THIRD REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

The General Committee on Railway and Canal Bills have made a certain alteration in the Groups already formed, and have agreed to Report the same to The House, as follows :

Group 6.

They have withdrawn the—

Waterford, New Ross, and Wexford Junction Railway Bill.

THIRD REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

Ordered, by The House of Commons, *to be Printed,*
7 *May* 1869.

81—II.

FOURTH REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

The General Committee on Railway and Canal Bills have made certain alterations in the Groups already formed, and have agreed to Report the same to The House :

Group 3.

They have withdrawn the—

Neath and Brecon, and Swansea Vale and Neath and Brecon Junction Railway Companies Bill.

Group 6*a*.

They have added the—

Neath and Brecon, and Swansea Vale and Neath and Brecon Junction Railway Companies Bill.

FOURTH REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

Ordered, by The House of Commons, *to be Printed,*
13 *May* 1869.

81—III.

FIFTH REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

The General Committee on Railway and Canal Bills have formed the following Bills into a Group, and have agreed to Report the same to The House:

Group 7.

Read 2°	
10 May.	Mid Wales Railway [*Lords*].
27 May.	Bristol and North Somerset Railway [*Lords*].
	Haddenham, Willingham, and Longstanton Railway [*Lords*].
	Severn and Wye Railway and Canal [*Lords*].
	Festiniog Railway [*Lords*].
	Wrexham, Mold, and Connah's Quay Railway [*Lords*].

FIFTH REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

Ordered, by The House of Commons, *to be Printed,*
14 *June* 1869.

81—IV.

SIXTH REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

The General Committee on Railway and Canal Bills have made certain alterations in the Groups already formed, and have agreed to Report the same to The House, as follows:

Group 7.

They have withdrawn—

Festiniog Railway Bill [*Lords*].
Wrexham, Mold, and Connah's Quay Railway Bill [*Lords*].

Group 8.

They have added—

Festiniog Railway Bill [*Lords*].
Wrexham, Mold, and Connah's Quay Railway Bill [*Lords*].
Furness Railway Bill [*Lords*].

SIXTH REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

Ordered, by The House of Commons, *to be Printed,*
25 *June* 1869.

81—V.

REPORT

FROM THE

SELECT COMMITTEE

ON

REGISTRATION OF VOTERS;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
2 *July* 1869.

Tuesday, 9th March 1869.

Ordered, THAT a Select Committee be appointed to inquire into the Laws affecting the Registration of persons entitled to vote in the Election of Members to serve in Parliament for Boroughs in England and Wales, and to report whether any and what amendments are required therein.

Wednesday, 17th March 1869.

Ordered, THAT it be an Instruction to the Select Committe on Registration of Parliamentary Voters in Boroughs, to inquire also into the Law affecting the Registration of Voters at Municipal Elections, and the expediency of having one Register for both purposes.

Friday, 19th March 1869.

Committee nominated of,—

Sir Stafford Northcote.
Mr. Lefevre.
Viscount Sandon.
Mr. Rathbone.
Mr. Collins.
Mr. Dilke.
Mr. Bourke.
Mr. Morley.
Mr. Wheelhouse.
Mr. Candlish.
Mr. Pemberton.
Mr. Wentworth Beaumont.
Mr. Goldney.
Mr. Hodgkinson.
Mr. Vernon Harcourt.

Ordered, THAT the Committee have power to send for persons, papers, and records.

Ordered, THAT Five be the Quorum of the Committee.

Tuesday, 27th April 1869.

Ordered, THAT Mr. Goldney be discharged from further attendance on the Select Committee on Registration of Voters, and that Mr. Staveley Hill be added to the Committee.

Friday, 2nd July 1869.

Ordered, THAT the Committee have power to Report their Observations, together with the Minutes of Evidence taken before them, to The House.

REPORT - - - - - - - - - - - - - p. iii
PROCEEDINGS OF THE COMMITTEE - - - - - - p. xxii
MINUTES OF EVIDENCE - - - - - - - - p. 1
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REPORT.

THE SELECT COMMITTEE appointed to inquire into the LAWS affecting the REGISTRATION of PERSONS entitled to VOTE in the ELECTION of MEMBERS to serve in PARLIAMENT for BOROUGHS in *England* and *Wales*, and to report whether any and what amendments are required therein, and who were instructed to inquire also into the LAW affecting the REGISTRATION of VOTERS at MUNICIPAL ELECTIONS, and the expediency of having one Register for both purposes;——HAVE considered the matters to them referred, and have agreed to the following REPORT:—

(1.) YOUR Committee have inquired into and taken evidence as to the working of the system at present in force for the Registration of Voters in Boroughs in England and Wales, and have agreed to the following Report:—

Existing system of registration.

(2.) The existing system is so generally known, that it is unnecessary to describe it in detail. It is sufficient to state that the town clerk or other authority in each borough on 10th June of each year issues his precept to the overseers of each parish within the borough, accompanied by various forms directing the overseers to prepare an alphabetical list of persons entitled to vote on 31st July. This list, stating the Christian name and surname, with the place of abode, and the nature of the qualification of the voter, is published on 1st August on each church and chapel in the parish. Where there are freemen, the town clerk makes the list of freemen entitled to vote. In places where old rights of voting are reserved, the overseers make out a separate list of such voters. In addition to these lists there is also a separate list of lodgers, who, however, only appear upon the Register in virtue of a claim. Thus it will be seen that in a borough comprising several parishes, there will be numerous lists made out by various authorities all acting independently the one of the other. On or before 25th August any persons who have been omitted from the above lists, or whose qualifications have been wrongly described, may send in to the authorities who make out the several lists, claims to have their names inserted on the Register, or their qualifications amended. All persons claiming to vote as lodgers must send in a claim in the form prescribed by the Reform Act, 1867, on or before 25th August. Claimants receive no notice of objection, and, therefore, have no knowledge till they come to the Revising Court whether their claim will or will not be opposed. Any person on the list of voters may object to the name of any person inserted on that list; to which end he must deliver notice of objection to the authority who frames the list, and also serve, either personally or by post, upon the voter objected to such notice of objection. These notices of objection state no ground upon which the vote is objected to. On or before 1st September, the authorities charged with forming the lists are to publish lists of all such claims and objections, and also of the lodgers' claims. And all persons whose votes are objected to, or who have made claims, are called upon to appear before the Revising Court for adjudication between 15th September and 31st October.

Defects of the present system.

(3.) This being, in brief, the general plan of the present system of registration, your Committee have inquired how far in its practical operation it has proved effectual and satisfactory. They have come to the conclusion that it is neither.

In the first place, the main burden of a duty, which is very important in its character and difficult in its discharge, is imposed upon the overseers—officials by no means in all cases the fittest parties to fulfil such functions. They are generally unpaid functionaries, who change office periodically, and who have therefore neither the knowledge which accumulated experience gives, nor the inducement of reward to undertake a laborious occupation. Apart from this, where (as in the majority of cases) the borough embraces numerous parishes or townships, we find a multiplication of authorities which is prejudicial to unity of action and uniformity of principle in the preparation of the lists. The duty prescribed by the law, viz., that of publishing on 1st August a list of persons entitled to vote on 31st July, is one which is obviously impossible of execution. The preparation of these lists is neither carried out in practice by the persons whom the law holds responsible, viz., the overseers; nor is the thing done which the law prescribes, viz., the preparation of a list of persons entitled to vote on 31st July. As a matter of fact, the lists are generally prepared by the rate collectors or assistant overseers; and are in practice little more than a transcript of the occupiers' columns in the rate-books. As a rule, little or no pains is, or indeed can be, taken to verify and correct the errors in the occupiers' column, so as to make the list an accurate representation of the persons entitled to vote on 31st July. In the first place, even if the occupiers' column were an accurate representation of the rated occupiers at the date when the rate was made, it will not represent the occupations at the qualifying date: but, secondly, it is certain that in most, if not in all cases, the occupiers' column of the rate-book supplies a very imperfect list of the occupiers even at the date of the rate.

Defective state of the rate book for registration purposes.

(4.) The evidence shows that the condition of the occupiers' column in the rate-book, in respect of accuracy, varies greatly in different boroughs, and has varied much at different times and under different circumstances. In the majority of boroughs where the practice of composition, either under Local Acts or under the Small Tenements Act, prevailed before the Reform Act of 1867, it is certain that in many cases the rate collectors took little or no pains to enter the names of the occupiers correctly when the rate was collected from the landlords. This defect arose not from any absence of obligation to make such entries, for both by statute and by order of the Poor Law Board such entries are required, and obedience to the orders of the Poor Law Board is enforced by heavy penalties (4 & 5 Will. 4, c. 76, s. 98). These penalties have, however, been practically inoperative, for the rate collectors, having naturally regard exclusively to the collection of the rates, devoted their attention to the parties from whom they got the money, and to whom in fact they gave credit, viz, the owners; and not to those with whom in practice they had no concern, viz., the occupiers. The same thing occurred, and for the same reason, in boroughs where, without any legal composition, by agreement between landlord and tenant, the full rate was collected from the former and not from the latter. It is admitted that since the Reform Act of 1867, by which the practice of composition has been abolished, and it has been made compulsory to rate the occupiers, this state of things has been considerably altered, and that in consequence the occupiers' column more accurately represents the occupiers than formerly. But even since 1867 the defects before referred to have by no means disappeared. In spite of the abolition of composition, the convenience both of landlords and tenants, which led to the general adoption of the compounding Acts in the majority of boroughs, has revived, and is daily more and more reviving the system, temporarily interrupted, of the payment of the rate by the landlord. In proportion as this system prevails the inducement to the rate collector to concern himself with the occupier or tenant is diminished, and there is therefore a tendency to the renewal of the former defects of the occupiers' column, even under the existing law. But, further, your Committee cannot overlook the fact, that, in the event of any change in the law tending to a revival, in some form or other, of the compounding system, the old defects of the occupiers' column will inevitably recur unless some system is adopted which will secure attention to the completeness and accuracy of the occupiers' column of the rate-book apart from the fiscal objects to which the rate collectors not unnaturally devote their principal attention. If the occupiers' column of the rate-book is still to be made the basis of the Register, there must be some method devised

devised by which its political as well as its economical functions shall be kept continually in view and adequately cared for. And further, even if the duty of making the occupiers' column a complete list of the inhabitant occupiers at the date of the rate was perfectly fulfilled, as has been already shown, it would require to be again verified and corrected in order to supply an accurate list of the persons entitled to vote at the qualifying date.

Evils produced by the defective character of the overseers' lists under the present system.

(5.) The preceding remarks will sufficiently show that the overseer's list framed simply by transcribing the occupiers' column of the rate-book is necessarily an imperfect list, and is, in fact, in many cases, most seriously incorrect. In the case of populous boroughs, many names of persons not entitled to vote appear on the list, and many are omitted whose title is well founded. The consequence of the imperfections of the primary lists is, that in order to correct them and bring them into anything like conformity with the principles of the franchise, the costly and vexatious system of claims and objections is necessarily employed. A list which ought to be in all substantials accurate, is, in fact, so defective that it can only be corrected by a tedious and expensive litigation in the Revising Courts, which, after all is done, from the very nature of the case can administer but imperfect justice. The existing law for the registration of voters in boroughs is founded on the principle that such registration "is a business of the State, and ought to be placed as far as possible beyond the influences alike of the ignorance or apathy of the citizens and the interested action of political agents." But by the operation of the registration system, as it works at present, a large per-centage of persons entitled to vote can only obtain the franchise by a troublesome and costly course of proceedings instituted either by themselves or by others on their behalf. This result, which is entirely at variance with the declared intention of the law, operates with peculiar hardship upon the class of voters who are dependent for their subsistence upon weekly wages—the class whom it was the special object of recent legislation to enfranchise. A redress of their grievances in this respect becomes consequently a necessary complement and corollary to the Reform Act of 1867. To an artisan or labourer the trouble and loss of time consequent on sustaining a claim or resisting an objection, acts as a severe pecuniary fine. He may lose several days' wages, and, what is more serious, permanent employment, as the price of his attendance in the Revising Court; and, after all, he may be defeated by technical objections or accidental errors for which he is not responsible, but which arise from the inexperience or negligence of the persons to whom the making out of the list is entrusted. This state of things leads to a result equally objectionable in principle and mischievous in practice. When it is found that the working men cannot bear the burden of sustaining their own rights, party political organisations are formed for the purpose of discharging that duty which the law assumes to be fulfilled by the public authority. The correction of the errors of the overseers' lists is undertaken by rival registration associations. An expensive machinery is set to work to strike off assumed opponents, and to place upon the register persons who are assumed to be adherents, frequently on the very ground that their vote is obtained at the expense of those who sustain the claim. The action of such associations is necessarily prejudicial to the independence of a constituency, and not only affords the means, but supplies a grave temptation to illegitimate practices and corrupt inducements, whilst, at the same time, the imperfect operation of the responsible registration authority justifies their existence and forms an excuse for their operations. It is notoriously difficult to discriminate between money legitimately expended in registration, and money which, under the name of registration, is practically employed to corrupt a constituency.

Mischief of wholesale objections due to the imperfection of the lists.

(6.) One of the most serious evils consequent upon the inaccuracy of the overseers' list, is the system of wholesale objections which has been shown to prevail in many places. When party spirit runs high, and political forces are evenly balanced, as a matter of election tactics, it is of course worth while, and the temptation seems irresistible, to scatter objections broadcast amongst supposed opponents, upon the calculation, quite apart from the validity of the objections, that a certain per-centage of the voters objected to will not be able or willing to appear to sustain their vote. At a very small expense, by serving

objections (as is done in some cases by thousands), a great political advantage may be gained. The notices of objection are served by post at the residence of the voter stated on the overseer's list; if the voter has removed to another street, or if the overseer has by mistake inserted a wrong address in his list, the notice of objection never reaches him, and his name is struck off the register without his knowledge. Many voters, even when the objections reach them, will either not incur the trouble and expense of attendance, or will promise their votes to those who will undertake the cost, or defray their loss in attending to sustain their franchise. It is true that the Revising Barrister has a discretionary power to award costs, but the evidence shows that this power is insufficiently exercised. A voter, whose name or the number of whose street is wrongly described on the overseer's list, gets no costs for his attendance to correct an error which has occurred by no fault of his own. Again, when a man has occupied two houses in succession, though the law gives him a right to his vote, yet if, as is often the case, he appears in the list only in respect of one house, the defect is incurable by the barrister, unless a claim to amend has been put in; a process which, as a fact, the operative class are not likely to pursue.

Necessity for troublesome claims created.

(7.) The errors of omission in the overseers' list are not less serious in their operation on the rights of voters. Persons who have an undoubted right to the franchise can only repair the mistakes of the overseer by a formal claim, which it requires knowledge and trouble to fill up; and when the claim is delivered, the voter must appear at much cost of time and trouble before the Revising Barrister to sustain a demand which is in fact indisputable and often undisputed.

Unsatisfactory result of revision.

(8.) The scenes at the Revising Courts in populous boroughs become consequently a scandal to our representative system. An enormous quantity of unnecessary litigation is created by the imperfection of the lists which have to be thus corrected. Hundreds of working men are kept in attendance for days to oppose objections of the most trivial and some times wholly unfounded character, or to sustain claims which ought to have been recognised in the original list, and which there is no ground for disputing. The result is general dissatisfaction, and persons entitled to the franchise abandon all attempt to secure their rights, in despair and disgust. In the midst of the confusion and hurry, good votes frequently fall through, and bad votes not seldom slip in.

Nature of remedy to be sought.

(9.) Your Committee have therefore devoted their careful consideration to the discovery of a remedy for this unsatisfactory state of things. Being convinced that the fundamental cause of the existing evils is the faulty character of the primary list, they have sought for some efficient means of securing the preparation, in the first instance, of a more complete and accurate list. And in the next place they have desired to discover a machinery by which the professed object of the law shall be secured, viz., that all persons entitled to vote shall, as far as possible, be placed upon the register without unnecessary trouble or expense to themselves or others.

Scotch system of registration and its merits.

(10.) The inquiries of your Committee have been naturally directed to discover some system in practical operation which is free from the objections which it is their desire to remove. They have found such an example in the registration system of Scotland. For the details of that system, they beg to refer to the valuable evidence of Mr. M'Laren, M.P. for Edinburgh, and of Mr. Donaldson, and Mr. Paterson, the Valuation Assessors of Glasgow and Edinburgh. The Scotch Borough Registration Act is the 19 & 20 Vict. c. 58, and a detailed account of its operation will be found in the treatise on the "Law of Election and Registration in Scotland," by Mr. Badenach Nicolson. It will be sufficient here to refer generally to the outlines of the plan. Each burgh in Scotland is generally contained in and conterminous with a single valuation district. A public officer is appointed to conduct the valuation of all the tenements within the burgh; and this valuation roll is supplied to all the taxing authorities as the basis of their several impositions. For the purpose of carrying out this valuation, the Valuation Assessor in large burghs like Glasgow and Edinburgh has a staff under his direction, who are constantly employed in a survey of the tenements in the burgh. By the Scotch Registration Act, the Valuation Assessor is constituted the authority on whom the duty devolves of making out the list of voters. He, in fact, fulfils

fulfils the office which in England is committed to the overseers. At the period when the registration lists are to be prepared, he employs the staff of his office and, if required, procures additional assistance to prepare the lists; the work is done, under his direction and superintendence, by his assistants, who are conversant with the several districts and trained to the business. The results are so satisfactory that it seems that objections and claims are of rare occurrence. Mr. M'Laren and Mr. Paterson state that the working of the system in Edinburgh is almost faultless. In a town of the great size of Glasgow, the work of the Revising Court is almost nil; and though Glasgow contains so migratory a population that, according to the evidence of Mr. Donaldson, there were 40,000 changes of assessment in a year, the errors in the original list are very few, and are corrected principally upon the evidence of the valuation assessor himself, upon whose testimony the Revising Court acts. The total cost of the last registration in Glasgow, with a population of 500,000, was about 2,200 *l.*, and that of Edinburgh, with a population of 170,000, amounted to 800 *l.* Particulars of the charges will be found in the Appendix. These sums represent in either case a cost of between 4 *l.* and 5 *l.* for each 1,000 of the population, and the same for every 100 names on the Register.

Difficulty of finding in England an equivalent for the Scotch system.

(11.) With so excellent a model before them, your Committee's object has been to discover by what means they might best assimilate the English system to that which has acted so satisfactorily in Scotland. It will be observed that the merits of the latter system depend in a great measure upon the fact that the whole process in each burgh in Scotland is conducted under the superintendence and authority of a single person, which secures unity of action and uniformity of principle; and, further, that it is carried out under the direction of a person whose official and permanent duties are of a cognate nature, which make him specially fit for the discharge of these particular functions. Unlike the overseers in England, the valuation assessor in Scotland is a single authority in each burgh; and unlike the overseers also, he is a permanent officer, who has year by year accumulated experience in the duties of registration.

The first business of your Committee, therefore, was to inquire in what quarter in the English boroughs they could discover some corresponding single and competent authority whose action in the matter of registration might promise similar advantages. The answer to this inquiry is not wholly satisfactory. The separate and conflicting jurisdictions of local authorities in England, some acting under general, some under local Acts, present themselves everywhere in perplexing confusion. The necessity of some single authority and some simple action is everywhere apparent. We cannot in any English borough find precisely such an authority as the valuation assessors of Scotland.

Though your Committee think it right to point out the inevitable results of the want of a single and simple valuation system in the English boroughs, it is no part of their function to deal with the reform of the existing organisation of local government. Convinced as they are, that a complete and perfect plan of registration can only be looked for in a reformed system of local government, it is their present business to make the best recommendations that appear to them available under the actually existing condition of things.

Objections to creating an entirely new and separate registration authority.

(12.) It has been suggested that a single competent registration authority in each borough might be at once attained by the simple process of creating such an officer for the express purpose, and placing at his disposal sufficient funds and an adequate staff to effect the object in view. Such a method of solving the difficulty would, no doubt, be more simple, and, probably prove most effectual. But your Committee are not prepared to recommend such a course, for the following reasons: If such an officer, with an adequate salary and staff, were to be created and sustained for this purpose alone, which would occupy him only during a portion of the year, the expense would be necessarily considerable, and the borough ratepayers would naturally be jealous of such an increase of their local burdens, already more than sufficiently heavy. There might also be difficulty in vesting the appointment of such an officer in any department which would not be exposed to local and political jealousy. Your Committee, therefore, have thought it better, even at the expense of complete symmetry, and possibly of absolute efficiency, to seek to utilise some existing machinery which should entail less additional expense and should give rise to less local opposition.

They have been content with that which will be probably in practice more acceptable, rather than attempt that which would theoretically be most perfect.

The organisation of the poor law unions considered with a view to this object.

(13.) In seeking, therefore, for some existing authority which might approximately supply the want of a single head for the registration system in boroughs, and who should have at his disposal an actually existing staff suitable for the purpose, your Committee's attention has naturally been directed to the organisation of the Poor Law Unions. The evil of multiplicity of authority will be, to a great degree, remedied by substituting the more comprehensive denomination of the Union for the limited subdivision of the Parish or Township. The whole current of reform in local government tends in the direction of merging authority for such purposes as valuation and assessment in the Union. Your Committee have received from the Poor Law Board a table (*vide* Appendix), which shows that of the boroughs of England and Wales, 135 are comprised within a single Union, 25 within two Unions, and 39 in more than two Unions—including in the term Union, a single Parish, under a separate Board of Guardians. These Unions, when consisting of more than a single Parish, all possess, under the name of "Clerk to the Assessment Committee," an official appointed under the Union Assessment Committee Acts, who is always the Clerk or Assistant Clerk to the Board of Guardians; and in places where (as in many of the metropolitan parishes) Unions have not been established, their place is supplied by "Vestry Clerks" or "Clerks to the Board of Overseers." These persons are generally officers of character and experience, who fulfil duties not very unlike those discharged by the Valuation Assessors in Scotland. For purposes of the valuation assessment in England they have, to a certain extent, already relations with the rate collectors, who, under the direction of the overseers, supply the materials for the valuation; and (what is not unimportant) these officers already, under the Act 7 & 8 Vict. c. 101, s. 15, exercise a revising authority over the list of persons entitled to vote as owners for the election of guardians. In Ireland the Clerks to the Guardians are made the registration authority in Boroughs, and your Committee are informed that the system is considered to work satisfactorily in that country. If these officials, who may be comprehended under the general definition of the "*Clerks to the Assessment authority*," should be constituted the Registrars of voters, it is evident, from the Return before cited, that, for the larger number of the boroughs of England and Wales, we should attain that single permanent, and it is believed competent, registration authority which is the great desideratum.

Recommendation of Committee to appoint the "clerk to the assessment authority" to be the "registrar of voters."

(14.) The first and fundamental recommendation which your Committee has therefore to offer is, that the preparation of the list of voters shall be entrusted to the "*Clerk to the assessment authority*" in each borough, and that he shall have power given, either by statute or by the action of the Poor Law Board, to employ the rate collectors, or other parochial officials, to assist, under his superintendence and control, in the preparation of such a list. The Registrar should be clothed with authority to enforce all such penalties as may be imposed upon the overseers with respect to the omission of names or other entries from the rate-book. The rate collectors will be able to carry on this work contemporaneously with, and as part of, their ordinary daily duties, and incorporate the business of registration with that of the collection of the rate. Your Committee recommend that such official shall have the title of "Registrar of Voters," and that he and the persons whom he may have occasion to employ shall be remunerated in such manner as shall be prescribed by the Board of Guardians, subject to the approval and revision, from time to time, of the Poor Law Board, in the same manner as the remuneration made to the Clerk of the Assessment Committee.

Exceptional cases in which a single registrar will not be thus provided.

(15.) Having thus provided generally a single registration authority for the majority of boroughs, it will be observed that 25 boroughs under the proposed definition will have two such authorities, and 39 boroughs will have more than two. The contributory boroughs of Wales are necessarily, for the greater part, distributed in several Unions. The annexed Table shows the situation of the English boroughs in this respect. The third column shows that the cases, where there are more than three Unions within the limits of the Parliamentary borough,

borough, are confined almost exclusively to the metropolitan district, and to the class of boroughs (like Cricklade) which more nearly resemble small counties:—

TABLE showing PARLIAMENTARY BOROUGHS in *England* not comprised within a Single Union.

Parliamentary Boroughs Comprised in *Two* Unions.		Boroughs Comprised in *Three* Unions.		Boroughs Comprised in *more than Three* Unions.
Birkenhead.	Newcastle-under-Lyme.	Aylesbury.	Manchester.	Chelsea.
Brighton.	Rochester.	Birmingham.	Great Marlow.	Finsbury.
Chester.	Salisbury.	Bristol.	Marylebone.	Southwark.
Chichester.	Shaftesbury.	Canterbury.	Midhurst.	Tower Hamlets.
Devonport.		Greenwich.	Oxford.	Westminster.
Gravesend.	Sheffield.	Hackney.	Pontefract.	Cricklade.
Hastings.	Southampton.	Hythe.	Stoke-on-Trent.	East Retford.
Hull.	Wareham.	Lambeth.	Wednesbury.	New Shoreham.
Lewes.	Wolverhampton.	Liverpool.	Wilton.	Wenlock.
Middlesborough.	Woodstock.	London.		Ipswich.
Newark.				Leeds.

These exceptions, no doubt, mar the completeness of the proposed reform; but, for the reasons stated above, your Committee are willing to tolerate some imperfections in utilising an existing authority rather than seek to introduce an entirely new machinery. The amount of the evil of multiplicity of authority may, however, probably in many even of these cases, be diminished or removed. The Poor Law Board has power to remove parishes from one Union into another, and it is possible that, before long, boroughs which now form part of several Unions may in future be all comprised in one. In boroughs which are of great size and population, it does not seem to your Committee that there will be any great disadvantage in leaving the registration to be dealt within the separate Unions by several officers. Thus, in the metropolis, the parishes, which are in themselves as populous as many large boroughs, will continue to be dealt with generally, as at present, by the Vestry Clerks, who are a body of officials whom your Committee believe to be sufficiently competent, and appear generally, so far as the materials at their disposal permitted, to have done the work of registration efficiently. There may be special circumstances in particular boroughs which require exceptional treatment. In towns like Leeds and Manchester it would probably be found expedient to make the "Clerks to the Incorporated Boards of Overseers" the Registrars. These exceptions are, however, rather the business of those who will have the responsibility of legislation than of your Committee. In the Scotch system of registration where there is more than one valuation assessor in each borough, one such assessor is appointed the Registrar for the whole borough, and is responsible for the preparation of the whole register, and the other valuation assessors are subject to his orders and control. If the several Union authorities could be induced to assent to the adoption of a similar system in boroughs in England which comprise more than one Union, a single authority for purposes of registration might be in like manner everywhere secured. It might be provided, that in boroughs comprising more than one Union, the Poor Law Board should have authority to appoint one of the assessment authorities, to have control and superintendence, for the purposes of registration, over the rest.

Special advantages of the scheme in respect—(1) of duplicate entries; (2) of cases of successive occupation.

(16.) In addition to the general advantage of establishing a single registration authority, your Committee have to point out two special benefits which will be secured. In the first place, duplicate entries of persons having qualifications in different parishes may be obviated, and with the removal of such duplicate entries the temptation to personation of voters at elections will be diminished. And, secondly, as the rate collectors in the several parishes or districts will report to the Registrar the removals and arrivals of each occupier, the cases of successive occupation can be more correctly traced, and efficiently dealt with in the Registrar's list. Your Committee desire to refer specially to the evidence of Mr. Lambert as confirming the practicability of such a scheme.

Apprehended danger of political bias in the registrar.

(17.) It has been suggested that it may be necessary to make provision against unfair and improper party bias in the action of the Registrar thus constituted. Your Committee believe that an official placed in such a responsible position, acting under the public eye, and under the control of public opinion, would feel it incumbent on him to stand aloof altogether from party contests, and to assume an impartial attitude. It should, however, be specially provided that no Registrar, nor anyone in partnership with him, should take any part in elections. Such officers as it is proposed to invest with these duties are already under the control of the Poor Law Board, and they would be removable upon any well-founded allegation of improper conduct.

Staff to be employed by the registrar; possibility of making use of the Post Office officials to aid in the work.

(18). With reference to the staff to be assigned to the Registrar for making the investigations necessary to a complete and accurate list, your Committee have already indicated that the services of the rate collectors should be placed at his disposal and under his control, but it is possible that additional assistance may be required in cases where the operation of registration would interfere too much with the business of collecting the rates. The attention of your Committee has therefore been directed to another local staff already on the spot, who, from their occupation, are necessarily conversant with household tenure, viz., the letter carriers and other servants of the Post Office. By the direction of the present Postmaster General an experiment was made to see how far such persons could be utilised for the purposes of a survey of the occupiers in a borough. The result of that experiment is given in the evidence of Mr. R. Owen, the Postmaster of Chester. Chester is a town of 34,000 inhabitants, with 7,600 inhabited houses. The Post Office employs 10 letter carriers. These letter carriers, under instructions set forth in the evidence, working in extra hours, made a complete list of the inhabitant householders in a time which amounted altogether to 216 hours. As a fact, this time was distributed over 14 evenings of work in extra hours. These 10 men, therefore, could have done the whole work in three days of seven hours if they had been continuosly employed. The cost of the work was between 11 *l.* and 12 *l.* It is obvious that such a staff, if placed during the registration months at the disposal of the Registrar under the directions of the Post Office, would render most efficient assistance in making or correcting the lists or in serving notices. Your Committee believe that the Post Office would have no objection to allow the letter carriers to employ their leisure hours in a manner which would secure to a deserving class of persons some extra remuneration, whilst the instance of Chester shows that the services of an experienced staff can thus be obtained at a very reasonable rate.

Proposed reforms in the system of making the lists.

(19.) Having thus defined the persons by whom the work is to be done, it remains to indicate the reforms which your Committee are prepared to recommend in the manner of preparing the lists. It has been already pointed out that the present system allows no time before the publication of the list for an investigation of the voters entitled at the qualifying date. Such an interval appears to your Committee indispensable to the due preparation of a correct list. If the list professes to represent the persons entitled to vote on a particular day, there ought to be time given before its publication to ascertain by actual survey who are such persons. In order to allow of this, it will be necessary to extend the operations of registration over a longer period, and therefore to throw back the date of qualification. This extension of time for accomplishing the work has been made the more indispensable by the immense accession of numbers in the borough voters. The two principal requisites for the formation of a really perfect list are, sufficient time for the work and an authority on the spot, always accessible, to receive information and to make corrections. If, therefore, the qualifying date were fixed on the last day of May, the Registrar might during the month of June, with the aid of the staff at his disposal, institute a thorough investigation of the occupiers, inhabitant householders and lodgers in the borough at that date, and construct his list accordingly. This list thus made out as accurately as he was able to make it, might be published on the last day of June.

The qualifying date to be thrown back from 31 July to 31 May.

Provision for omission of names of occupiers when the rates are in default.

(20.) It is enacted by sect. 28 of the Reform Act of 1867, that a notice shall be served on 20th June, upon all occupiers of premises in respect of which the rates due on 5th January may be in arrear, informing such occupiers that if such

such rate is not paid on 20th July, the occupier of such premises will not be entitled to be registered. And by sect. 29 of the same Act, it is provided that a list of all persons who have failed to pay such rates shall be published on the 22nd July. As it is necessary that the Registrar should be placed in possession of the names of occupiers of premises in respect of which the rate is finally in default, the overseers should supply to the Registrar at the qualifying date, *i. e.* May 31, a list of all occupiers of premises in respect of which the January rate remains unpaid. The overseers would on that date serve notice on such occupiers, advertising them that if the rate is not paid on 25th June they will not be entitled to be registered. As these notices will be served by the rate collectors, who will be employed to make the Registrar's lists, the Registrar will have the means of knowing which are the premises in respect of which the rate still remains unpaid on 25th June; and such persons will be accordingly omitted in his list of voters, to be published on 30th June; and the overseers might be required, on 25th June, to supply to the Registrar a list of those who were in default upon 31st May, but who have paid up the arrears in the interval; such persons will then be placed by him upon his list.

Provision for omission of names of persons who have been in receipt of parochial relief.

(21.) By Section 36 of the Reform Act of 1832, and by the 40th Section of the Reform Act of 1867, it is provided that the names of all persons who have received parochial relief within 12 calendar months preceding the last day of July shall be omitted from the overseers' lists. It frequently occurs however that this duty is imperfectly performed, and in consequence objections must be made to the names of those who are thus disqualified, but who nevertheless are placed upon the lists. In order to obviate this, a list of persons who have received parochial relief during the 12 months preceding should be furnished to the Registrar before the publication of his first list. He will then omit from it the names of all such persons.

The Registrar's list to be a *street*, and not an *alphabetical*, list.

(22.) With reference to the form of the Registrar's list, your Committee are of opinion that the present plan may be advantageously changed. At present the street arrangement pursued in the rate-book is first converted into an alphabetical list of all the persons in one parish. This transposition leads to many errors; and for the purpose of subsequent survey and investigation it is obvious that the street arrangement is much more convenient. Everyone who has had experience of canvassing is aware that the first step necessary for that purpose is to re-convert the alphabetical into a street list. Your Committee are of opinion that the Registrar's first list should be a street list, showing the number of each house in succession, the streets being themselves alphabetically arranged. This is the system pursued at Edinburgh. Mr. Paterson of Edinburgh has stated in his evidence his reasons for preferring a street list. The alphabetical arrangement is, however, pursued at Glasgow. A copy of a sheet of the Edinburgh register is printed in the Appendix. Each voter on this plan will easily find his own street, and then, knowing his number, will find his own name. When the register is finally completed, the street list, if it is thought advisable, may be turned into an alphabetical register for the purposes of polling.

Registrar to have power to enforce the numbering of houses.

(23.) Although by existing statutes (10 & 11 Vict. c. 34, ss. 64, 65, and 21 & 22 Vict. c. 98, s. 45) there is already provision for compelling the proper numbering of houses in boroughs, this duty seems, in many cases, to be most imperfectly enforced. Your Committee are of opinion that further precautions should be taken to ensure this necessary preliminary to the formation of a correct list, and power should be given to the Registrar to enforce it by penalty on the owners of house property.

Proposed reform in the manner of the publication of the Registrars' lists.

(24.) Your Committee are satisfied that the present system of publication of the lists is defective and unsatisfactory. The lists are directed to be posted on the doors of churches and chapels, which have generally an outer gate; so that the lists are practically inaccessible to the public during the greater part of the week. The object ought to be to bring these lists as much as possible under the eyes of the inhabitants, so as to secure their easy and speedy correction. It seems to your Committee that it would be a good thing, as far as practicable, to exhibit in each street the list of voters in that street; the matter would then become a subject of street discussion amongst neighbours; those who were left out or improperly inserted would be familiar with the facts; and the Registrar would soon have the materials brought under his notice for making

the necessary corrections. If this were found impracticable, the lists might be posted at the nearest police station or post office, or any other place which the Registrar might deem convenient.

After the publication of the lists, claims and objections to be delivered to the Registrar.

(25.) When the lists are so published, the constituency will have the opportunity of scrutinising them, and bringing to the notice of the Registrar their errors or defects. This may still be done by the machinery of claims and objections, or (as it is hoped will more often occur) by the action of the Registrar himself, upon the information supplied to him by the voters. Your Committee, however, think it desirable that the machinery of claims and objections, where they are still required, should be made much more simple and available than it is at present; and that when the claims and objections are clearly well-founded, and the errors are of a merely formal character, some plan should be devised by which correctness should be secured without compelling the attendance of the voter at the Registration Court. Your Committee have, therefore, been anxious to arrange some method by which the Registrar may be enabled to revise his own original list, and to make such corrections as he would have made in it at first, if he had possessed complete information. It is proposed, for this purpose, that, within a month after the publication of the lists, all persons who desire to make claims or objections should deliver them to the Registrar. The claim should be in the simplest form, stating the facts necessary to support the claim. Forms of claim should be provided at the Registrar's office, and any amendment should be allowed, so as to prevent any really good vote being defeated by a mere formal error.

Revision by Registrar of his own list.

Proposed reform in the present system of notices of objection.

(26.) With reference to objections, your Committee are of opinion that the present system should be entirely altered. At present the notice of objection does not state the ground upon which the objection is founded; so that any voter may be called upon to attend the Revising Court without knowing upon what point his title to the franchise is to be attacked. But this is not all: a delivery to the post office of a notice of objection, addressed to the residence stated on the list, is in itself made sufficient service; and thus a man's vote may be struck off, without actual notice, in cases where he has changed his residence, or where the overseer has by mistake inserted a wrong address in his list. Your Committee recommend, in the first place, that every notice of objection shall state specifically the ground upon which the vote is objected to; and, secondly, that when the notice of objection is delivered to the Registrar, if he is satisfied that the ground of objection is sufficiently stated, the duty of serving the notice on the voter shall devolve upon the Registrar. This may easily be performed by his staff, like the service of summonses. The rate collectors or letter carriers would deliver the notices of objection in each street, and enter a note of service; and in cases where the persons objected to could not be found, report the fact to the Registrar, who would thereupon cause further investigation to be made. The persons employed to serve the notices of objection would at the same time make the necessary inquiries as to the validity or invalidity of the ground of objection, so as to supply material for the Registrar's memorandum.

(1.) Ground of objection to be specifically stated.

(2.) Personal service of notice of objection to be made by the Registrar or his staff.

Publication of notices of objection and claims.

(27.) The objections and claims having been thus delivered to the Registrar, he will, as soon as possible, publish them in the same manner as the original lists. They should be similarly distributed in streets, *i.e.*, there should be a list for each separate street of claims and objections. This will greatly facilitate their further examination, as every proposed correction of the list will be shown for each street in the order of the houses.

Preliminary revision of his first list to be made by the Registrar by the light of the claims and objections.

(28.) It is at this point that your Committee propose that the preliminary revision by the Registrar of his own list should be instituted. As soon as he receives the complete list of claims and objections, it is proposed that the Registrar should investigate each case by the light of such information as he can obtain. This may be effected either by inquiry on the spot, or by information supplied by the parties at their convenience at his office, or by any other method which may tend to the desired end. The object is not to institute a judicial investigation, but to inform the judgment of the Registrar, so as to assist in the perfection of his list. The Registrar will be an authority who is conversant with the district, and will be always accessible to the constituency for the purpose of receiving their communications. The corrections therefore may be made with ease and convenience. A month should be allowed in which a complete

complete inquiry should be instituted as to all claims and objections, and according as the Registrar is satisfied that they are well or ill-founded, he will write "allowed," or "disallowed," opposite to each vote which is the subject of claim or objection. Where an objection can be cured by an alteration in the original list, the alteration should be shown as the ground for disallowing the objection. The same thing should be done with defective claims where they can be amended, and the claim allowed, subject to such amendment.

Registrar himself to have power to make claims and objections upon a review of his first list.

(29.) It is not sufficient, however, to leave the correction of the list solely to the operation of claims and objections made by other persons. It happens often that, from motives of policy, names which ought not to be on the list are left there because neither party likes to incur the odium or take the trouble of objecting. Your Committee are therefore of opinion that in cases where, by further investigation, errors either of insertion or omission in the original list come to the knowledge of the Registrar, he should himself have power to discharge the office of claimant or objector. It is therefore proposed that, at the same time that he publishes the list of claims and objections made by the public with his note of allowance or disallowance, he should also enter on the same list the names of persons whom he thinks it right himself on further inquiry to omit or insert in variance from the original lists. But in cases where he proposes to omit a name inserted in the first list, he shall serve a notice on such voter, stating the ground of objection to his vote; and when he proposes to insert a new name, any one shall have a similar right to object as if the name had been on the original list.

Publication of revised list of claims and objections.

(30.) These lists of claims and objections by the public, showing which are allowed and which are disallowed by the Registrar, and also the names proposed to be inserted or omitted by the Registrar, will be published as before in each street.

Registrar's final list of claims and objections which are disputed, and which are to be adjudicated in the Revision Court.

(31.) The decision of the Registrar on these matters is, however, not intended to be final. All claimants against whom he has decided may persist in their claims: those persons who object to the claims which he has allowed may desire still to object. The persons who have made objections to names on the original list may insist, though he has disallowed their objections; and in cases where he has allowed the objection, the person objected to will still have the right to defend his vote. So in the cases where he proposes to omit or insert a name on the original list, any person may still be heard against such omission or insertion. Time should therefore be given in which persons who desire to challenge his decision may give notice of their intention to persist in claims or objections, or to object to new claims by voters, or insertions or omissions by the Registrar. A fortnight would probably be sufficient to allow for sending in such notices. When they are complete a list of them should be published and notice served upon all claimants or voters who are still objected to, to attend at the Revising Court to sustain their vote. This list will comprehend all the cases to be litigated in that court. No person who is not upon this final list will be called upon to attend the Revising Court, but his vote will stand or fall by the decision of the Registrar. A fortnight should elapse between the publication of this final list and the sitting of the Court. It is anticipated that the thorough preliminary investigation which has thus been instituted by the Registrar will have eliminated all formal and curable errors, and that there will be nothing left for the Revising Court but questions of seriously disputed facts or law.

Course of proceedings in the Revision Court.

(32.) The first proceeding before the barrister will be to take the objections to the names on the original list, and the names proposed by the Registrar to be omitted. Where the Registrar has allowed the objection, or proposed to omit a name, and his decision has not been challenged, the barrister will, as a matter of course, strike out the name from the original list. In the same way, where the Registrar has allowed a claim or proposed to insert a name, and his decision is acquiesced in, the name will be inserted. When the list is so far rectified, the litigated cases will be next taken. The Registrar will show the grounds on which he has acted, and the parties will be heard in defence of their own view.

Compulsory costs in the case of unsuccessful objections.

(33.) Your Committee are of opinion that in case of objections to votes which the Registrar has allowed, whether in his original list or as claims, or in case of names which he proposes to insert, if the objection is persisted in and fails

before the barrister, the voter should be entitled as a matter of right to costs of not less than 5 *s.*, with power to the barrister to increase the costs to 5 *l.* in case he shall be of opinion that the objections have been vexatiously made. Your Committee are further of opinion that where the objector gives final notice of his intention to insist on his objection, he should be compelled to deposit 5 *s.* with the Registrar as security for the costs in case of failure. Mr. Temple, who is a revising barrister, has recommended that a regular scale of costs suitable to different classes of voters should be generally adopted, and your Committee are of opinion that such a scale of costs should be prescribed by the Court of Common Pleas. Your Committee also recommend that in all cases of objection before the revising barrister, the objector shall be called upon to give some *primâ facie* evidence of the ground of his objection before the voter is called upon to sustain his vote. This would afford a protection to the voter against mere "fishing" objections.

Objector to give *primâ facie* evidence of the ground of objection.

Necessity for a better statutory definition of words "lodger" and "house."

(34.) Your Committee have reserved for separate consideration the case of the registration of lodgers. It is no part of their duty to deal with the definition of the franchise, but they cannot avoid pointing out that the first requisite to a good registration should be a clear definition of the title to be registered. It appears of essential importance that some further statutory explanation should be given of the terms "lodger" and "house."

Proposed method of dealing with the registration of Lodgers.

(35.) Assuming, however, a proper definition of the term "lodger" to be arrived at, your Committee are of opinion that the present machinery provided by the Reform Act of 1867 for bringing this class of voters on the register is very defective. Indeed the lodger franchise at the last registration has in many boroughs proved little better than a dead letter. In the first place, the form of claim prescribed by the Act is unnecessarily complicated and embarrassing; in the second place, the whole class of lodgers being regarded as entitled only in virtue of a claim, are compelled to attend at the Revising Court, however good and undisputed their title may be. In the Metropolis this inconvenience falls most heavily upon the better class of artisans who form the greater part of the lodgers, and who can least afford the loss of time and trouble involved. It is obviously unjust, that whilst the inhabitant householder of the smallest tenement is entitled to be put on the list without trouble to himself, the lodger, who pays 10 *l.* a year, should be exposed to difficulties which practically exclude him from the register. The object of your Committee has, therefore, been to place the lodger, as far as possible, in as favourable a situation as the other classes of voters. At the same time, as the rate-book affords no clue to the existence of the lodger as it does of the inhabitant householder, your Committee have not thought it possible to devolve upon the Registrar the absolute duty in the first instance of making out the lodger list. They recommend that lodgers at the qualifying date should send in to the Registrar a notice of their claim to be registered. This notice of claim should be in the simplest form, such as the following: "I give notice that I claim to be registered a voter for the borough of ——— in respect of my lodging at ——— street, No. —." The Registrar might take measures to distribute such forms of claim, in the manner which might make them generally accessible to the lodger class, and the lodgers might be desired, with their notice of claim, to supply such further details as might satisfy the Registrar of the validity of their title. After this notice is served it should be the duty of the Registrar, during the month in which he is engaged in constructing the occupiers' list, to investigate the lodger claims, and, in all cases where he is satisfied that the claims are good, to insert the names in his first list. The names will take their proper consecutive place in the street list with the occupiers, the qualification as lodgers being properly indicated. Those claims which the Registrar on inquiry finds to be doubtful or bad will be published at the proper time with the claims of the occupiers; and as the lodgers' claims will have been already investigated by the Registrar, he will write against them "disallowed." Any person may object, as in the case of the occupiers, to the lodgers who have been inserted by the Registrar on the first list, and any lodger whose claim has been disallowed by the Registrar may go to the Revising Court to establish his title. The Registrar also, in his amended list, may, as in the case of occupiers, give notice of his intention to insert names of lodgers who have been omitted, or to omit names which have been inserted, in his first list. Thus, with the exception of the necessity, where

the

the vote is claimed for the first time, of giving a preliminary notice, the lodger will be placed on as favourable a footing as the occupier, and will not, in the case of a clearly good claim, have to go to the Revising Court, nor will he be left, as at present, without notice of objection, stating the grounds of that objection. It is hoped that by this system the great majority of good lodger voters will be placed on the register at the smallest amount of trouble to themselves. In the case of lodgers who have once been on the register, the fact of their names appearing on the last register should be regarded as equivalent to the preliminary claim, and the Registrar should be bound to inquire into their title to be on the new register without any further action on their part; and if he finds them to have ceased to be entitled, he should publish their names amongst the other claimants whom he has disallowed. Your Committee are satisfied that in the great majority of cases the official whom it is proposed to appoint as Registrar, and the staff under his directions, will, from their special knowledge of the character and value of the tenements, be able easily to form a judgment upon the title of the lodger. In cases where the claim is on the dividing line, the Registrar should send the matter for adjudication to the Revising Court. As it is the intention of the Committee to place lodgers who have given notice of claim on the same footing in all respects as occupiers, they are of opinion that there should cease to be a separate lodgers' list, and that the lodgers should appear in the street list like the occupiers, in the order of the tenements where they lodge. The course which your Committee contemplate should be pursued in respect to the lodgers is that which has been for some time in operation in Scotland, and is thus described in Mr. Nicolson's book. "Lodgers do not appear on the valuation roll at all, and the assessors might perhaps act up to the letter of their duties if they took no trouble about them, but, ignoring them in the list of voters, allowed them to put in their claims (a quite competent course) under section 3 of the Burgh Registration Act. The practice, however, is for the assessor, whilst he is making up his list, to put an advertisement in the newspapers calling on all qualified lodgers to communicate with him as to their right to be put on it. He then takes from them an application setting forth the grounds of their qualification, and if he is satisfied with these, he puts the party on the list at once, of course subject to objection and to the sheriff's revisal."

Your Committee learn, from the evidence of Mr. Paterson, that in Scotland, where the rating condition of the franchise did not prevail before the Act of 1867, it has always been the custom to place lodgers on the register; and their title to the franchise for successive occupation of lodgings has been always recognised. In fact, before the Reform Act of 1867, lodgers in Scotland stood in exactly the same footing in all respects as occupiers.

Proposed method of dealing with the case—(1) of duplicate entries; (2) of successive occupations.

(36.) It has already been pointed out that one of the great advantages of a single superintendence would be that no duplicate entries of the same voter should appear on the register. Where there is only one registering official, as will be the case in the majority of boroughs, this will easily be accomplished. Where there are in others two or more Registrars they will be able, by communication one with the other, to accomplish the same object in the settlement of the final list. If it is thought desirable that there should be a separate entry for each occupation of a single voter, his name might be entered under one occupation, and the other occupations might have the name in blank with a reference to the number where his name appears. In order to meet the case of successive occupations, the rate collectors should be directed to keep a book showing all changes of occupation, from week to week within the year, one column exhibiting the new occupiers who enter, and another exhibiting the occupiers who leave their district. If these books are alphabetically arranged it will be easy, by simple comparison, to trace the successive occupations of each voter.

Method of dealing with the freemen's list.

(37.) In boroughs where there are freemen entitled to vote, a separate list is at present made out by the town clerk. As it is desirable that the whole registration in each Borough should be placed under one control, your Committee recommend that the town clerk should, at the qualifying date, supply to the Registrar a list of persons entitled to vote as freemen. With reference to the freemen residing within the limits of the Parliamentary Borough they should

be entered in the Registrar's street list, in the order of the tenements in which they reside, their qualification, as freemen, being properly indicated. With respect to the out-town freemen a separate list will still have to be made.

General view of the proposed plan with suggestion of dates.

(38.) It now only remains to present a synopsis of the manner in which the scheme recommended would practically work.

The following dates are adopted only by way of suggestion:—

May 31.

May 31.—Date of qualification of voters. At this date lodgers who have not been on the previous register will lodge notice of their claim with the Registrar. The town clerk will also supply to the Registrar a list of freemen entitled to vote. Lists will also be supplied to the Registrar of occupiers of premises in respect of which the rates are in default, and of persons also in the last 12 months who have been in receipt of parochial relief.

Between this date and June 30 the Registrar and his staff will be employed in investigating the title of all persons qualified to vote, whether occupiers, freemen, or others, and that of lodgers who have claimed, or who were on the preceding Register.

June 30.

June 30.—The Registrar will publish his first list of persons entitled to vote. He will place upon this list those persons whose rates were in default on May 31, but who have paid up before June 25; a list of such persons being supplied to him by the overseers. The Registrar's list will be a street list, showing in consecutive numbers the tenements and each inhabitant of them entitled in any capacity to vote, including such lodgers as he finds to have good claims, or, where they have been on the previous Register, to be still entitled. The list for each street should be exhibited, if possible, in some conspicuous place in that street, otherwise at the nearest police station or post office.

Between this date and July 31 the public will be occupied in examining and testing this list.

July 31.

July 31.—Notices of objections, setting forth the grounds of objections to persons inserted on Registrar's first list, and claims in respect of persons omitted from that list to be delivered to the Registrar. A list of objections and claims, arranged in streets, will be published in the same manner as the first list as soon as possible.

Between this date and August 31 the Registrar and his staff will be occupied in investigating these objections and claims, having first served on each voter objected to the notice of objection within one week of its being delivered to him.

August 31.

August 31.—At this date the Registrar will publish the revised list of objections and claims, with an entry opposite to each, showing whether the vote is allowed or disallowed by him. When a vote is objected to, and the objection can be cured by amendment, the amendment should be shown, and the vote allowed, subject to such amendment. When a disputed claim may be amended, the amendment should likewise be shown and the claim allowed. This list should likewise contain the names of the lodgers whose claims the Registrar has rejected, and lodgers on the last Register who have ceased to be entitled, and he should enter opposite to them "disallowed." The list should further contain the names of all persons, whom, upon subsequent investigation, the Registrar thinks it right to insert or omit as corrections on his first list. When the Registrar purposes to omit a name included in his first list, he must serve notice of such intention upon the person, stating the ground of omission.

This list should be made out as a street list, including all classes of objections and claims in the order of houses.

September 15.

This list will be published as directed before. When it has been examined by the public, any person may, within a fortnight, *i. e.* before September 15, give notice to the Registrar stating whether he means to persist in objections or

or claims disallowed. Persons who may also give notice that they intend to oppose claims or to resist objections which have been allowed, or that they intend to object to names which the Registrar proposes to insert or to omit from the first list. These notices may be in the simplest form, such as, "I give notice that I intend to object, before the Revising Barrister, to the vote of A. B., or the claim of C. D., or the insertion of the name of E. F. by the Registrar." In all such cases the objector shall lodge 5*s.* as a security of costs with each objection in the hands of the Registrar, and the Registrar shall serve the objection on the person objected to. So, also, when the objection has been allowed, the person objected to may serve notice that he intends to sustain his vote, or when a claim has been disallowed, or the Registrar proposes to omit a name from the first list, the party may give notice that he intends to appear before the Revising Barrister to support his title. Where no notice is given to the Registrar to dispute his decision, it will be taken as final.

September 20.—The final list of disputed cases to be heard before the Revising Barrister will be published in the same manner as the former lists, and personal notices will be served upon the persons whose votes are to be disputed. September 29.

The proposed method of dealing with the claims and objections, and also the insertions and omissions proposed by the Registrar, will be explaned by the annexed Tables.

(A.)

List of Claims and Objections published 31st July.

Brick-street.

No. of House.	Name.	Qualification.	Memorandum of Registrar.
2.	John Johnson -	Occupier; objected to by H. B.	
17.	Thomas Green -	Claim as occupier.	
21.	David Roberts -	Lodger; objected to by C. D.	
64.	William Green -	Occupier; claims to amend as successive occupier.	
71.	James Jones -	Freeman; objected to by E. F.	
75.	William Jones -	Occupier; objected to by D. E.	

(B.)

LIST of Claims and Objections Revised by Registrar 31st August.

Brick-street.

No. of House.	Name.	Qualification.	Memorandum of Registrar.
2.	John Johnson -	Occupier; objected to by A. B.	Vote disallowed.
17.	Thomas Green -	Claim as occupier - - -	Vote allowed.
21.	David Roberts -	Lodger; objected to by C. D.	Vote allowed (Christian name "Thomas").
64.	William Green -	Occupier; claim to amend as successive occupier.	Vote allowed.
71.	James Jones -	Freeman; objected to by E. F.	Vote disallowed.
75.	William Jones -	Occupier; objected to by D. E.	Vote allowed (proper number of house "76").
77.	John Brown -	Lodger claim - - -	Disallowed by Registrar.
80.	John Robinson -	Occupier - - - -	Name to be inserted by Registrar.
87.	Thomas Simpson	Lodger - - - -	Name to be omitted by Registrar.
91.	John Thompson	Occupier - - - -	Name to be omitted by Registrar.

(C.)

FINAL LIST of Cases to be heard before Revising Barrister on 15th day of September.

Brick-street.

No. of House.	Name.	Qualification.	Memorandum of Registrar.
2.	John Johnson -	Occupier; objected to by A. B.	Vote disallowed.
17.	Thomas Green -	Claim as occupier objected to by C. D.	Vote allowed.
21.	David Roberts -	Lodger; objected to by C. D.	Vote allowed (Christian name "Thomas").
77.	John Brown -	Lodger claim - - -	Disallowed by Registrar.
80.	John Robinson -	Objected to by E. F. - -	Name to be inserted by Registrar.
	John Thompson	Occupier - - - -	Name to be omitted by Registrar.

When the Revising Court sits, the original list will be taken street by street, all the corrections proposed and allowed by the Registrar, and not disputed, will be first made, and then the litigated cases will be gone into. One great advantage of the street lists will be, that every one will know when his street will come on, and the whole of the voters whose votes are disputed in the same street may be prepared to attend at once ; in the alphabetical arrangement the persons are distributed all over the town. Sept. 30—Oct. 31.

In adjudicating upon the disputed cases, the Revising Barrister will take the evidence of the Registrar as to the grounds upon which he has acted, and in the case of objections, if he is satisfied with the evidence of the Registrar, he might sustain the vote, even in the absence of the voter, and so remove in clear cases the existing hardship of the exclusion of a voter with a perfectly good qualification, owing to his accidental absence. In such cases, of course, no costs would be allowed. In all other cases, where the objector fails to prove his objection, the voter will have his costs, as of right.

Present state of the Revising Courts.

(39.) Your Committee have not thought it necessary to deal at large with the existing constitution of the Revising Courts. They are, however, not of opinion that these courts, as at present conducted, have been satisfactory to the constituencies. As might be expected, they have been very various in their merits ; but there appears to be a general complaint that there is a want of uniformity and consistency in their action and decisions. To what extent these complaints are well-founded your Committee could not decide without entering upon an inquiry of a difficult and invidious character. Your Committee offer no opinion as to the cause of these admitted defects, whether they arise more from the fault of the law or of its administration. It was the less necessary to do so because it is anticipated that the plan recommended in this Report will have the effect of greatly diminishing the bulk of the work of the Revising Court, and of leaving to the Barrister only the decision of important issues of fact, and the settlement for the decision of the Court of Common Pleas of disputed cases of law. With a competent and experienced Registrar, after the lapse of some years, the Revising Court ought to have little or nothing to do. Your Committee think it premature, therefore, before the effect of the proposed change is ascertained by experience, to recommend any fundamental change in the system of the Revising Court.

Proposed alterations in that system.

(40.) There are, however, some partial alterations of the present system which appear to your Committee to be advisable.

Right of appeal on points of law to be given in all cases.

At present there is no right, on the part of the claimant or objector, to an appeal, the allowance or disallowance of which is at the discretion of the barrister. Both on general principles and also because in some instances it has been shown that substantial injury has occurred, your Committee are of opinion that an appeal in all matters of law to the Court of Common Pleas should be allowed, as of right, in cases where a proper security for costs is given. If the Barrister shall decide that the question at issue is not one of law but of fact, parties dissatisfied with such decision should have the right to move the Court of Common Pleas, upon proper affidavits, to call upon the Barrister to state a case.

Controlling authority over the body of Revising Barristers to be given to the Court of Common Pleas.

(41.) Your Committe think, further, that in order to secure greater uniformity of action, it is desirable that the body of Revising Barristers should be placed under some controlling authority, which should have power to issue rules and regulations for their conduct. At present the important functions exercised by the Revising Barristers are confided to persons often not of long experience, without any guidance or control, acting, without restriction, on their own independent authority. Your Committee think the Court of Common Pleas would be the most suitable body in which to invest the control of the Revising Barristers, and that they should for the future be regarded as officers acting under the authority of the Court, and subject to its directions. The Court would then have power to define their duties and the manner of their performance, and also to apportion such changes in their numbers and districts as might be from time to time expedient. Mr. L. Temple, a gentleman of 23 years' experience as a Revising Barrister, also suggests that the appointment of the Barrister should take place in the spring of the year, so as to allow of the Registrar consulting him upon points of difficulty whilst the lists are being

prepared, and would admit of voters who are dissatisfied with the conduct of the Registrar in the preparation of the lists, to request the directions of the barrister. By such a course the decision of many questions, which would otherwise have to be carried into the Revising Court, would be disposed of by anticipation.

Power of amendment of Revising Court to be enlarged.

(42.) The powers of amendment given to the Revising Barrister seem in many cases to have been too narrowly construed. Your Committee are of opinion that these powers of amendment should be extended, and that the Barrister should amend in all cases where the title to the franchise is substantially good, and he is satisfied that the proper parties have had sufficient notice.

Revising Barrister to make an annual report on the registration in each borough.

(43.) Your Committee are further of opinion that the Revising Barrister, at the conclusion of each revision, should make a report to the Poor Law Board or the Home Office of the number of claims and objections which came before him for adjudication, and of his opinion as to the manner in which the list had been prepared. Where numerous errors had been made by the Registrar in his judgment on claims and objections, the Report would call attention to such facts. Such a Report would be an encouragement to the careful preparation of the Registration List, and would afford a check to any abuses to which the system is liable. It would be well also that such Report should give an analysis of the constituency, showing the population, the number of assessable premises, of male occupiers, the number of persons who are placed on the register and of those omitted, showing the numbers omitted for different causes, such as insufficient residence, non-payment of rates, receipt of parochial relief, &c., &c. Such a Report would afford a supply of valuable annual statistics as to the operation both of the franchise and the registration laws. The heads under which the information should be arranged might, with appropriate forms, be prescribed by the Home Office.

Change in the mode of appointment of Revising Barristers recomended.

(44.) Your Committee are further of opinion that the present system of appointment of Revising Barristers might be advantageously altered. They are of opinion that an appointment conferred by the Judges collectively, or, perhaps, by the Court of Common Pleas as a body, would be more satisfactory than the present system.

Plan of this Report applicable to whatever basis of franchise may be established.

(45.) Your Committee have not considered it any part of their duty to discuss the basis of the franchise, but to provide a machinery which shall give an accurate list of voters, under whatever franchise may be by law established. It will be seen that the plan they have recommended will be equally applicable, whether the franchise continues to be based upon, or should be wholly severed from, a rating qualification. As the plan recommended by your Committee contemplates a Register formed by a distinct and independent investigation and survey of persons who are entitled to vote, the Rate Book does not form a necessary element of the system, though under the present law it is necessarily consulted for the purpose of registration.

General object to be aimed at.

The course generally which your Committee desire that the Registrar shall pursue is that described by Mr. Nicolson as in operation in Scotland, and which (substituting the Rate Book for the Valuation Roll) will equally apply to England: "Upon many particulars however, necessary in making up the Register of Voters, the Valuation Rolls themselves afford no information, and it can only be obtained through the exertions of the assessors, or of the persons themselves entitled to be registered, or others acting for them. The assessors by no means restrict their labours to selecting from the Valuation Rolls the names of persons who, *ex facie* thereof, appear to be entitled to the franchise. On the contrary, they employ the knowledge of the burgh and its inhabitants, which their Valuation Act experience (by personal surveys and otherwise) has given them, to secure for as many as seem fairly entitled to it the right of voting for Parliamentary representatives." The passage in which the writer describes the manner in which the lodgers are dealt with has been already cited; and he thus continues: "A somewhat similar course is taken with regard to subtenants, who, however, generally do appear on the Valuation Roll as 'occupiers;' and with regard to joint proprietors and joint tenants, who are usually partners of firms, the firm name only appearing on the roll. Again, where a tenant appears from the Valuation Roll in preparation to have entered to his house or other subjects only at the preceding Whitsunday (*i. e.*, the Whitsunday of the

the year in which the list of voters is being made up), the assessor inquires from him whether he had held other subjects within the burgh of sufficient value and for a sufficient time previously. If the party can satisfy the assessor that he had done so, he will be placed on the list under sect. 12 of the Reform Act."

Provisions relating to Borough Registration to be consolidated in one Statute.

(46.) In recommending the principles on which they are of opinion that the system of registration should be reformed, your Committee have not dealt with details which belong to the special province of legislation; but they would point out the great inconvenience which results from having the registration law scattered over different Statutes. Your Committee are quite aware that the county system of registration requires as much, possibly more, reformation than even that in boroughs. It is possible that some of the recommendations of this Report may be applicable to counties; but your Committee would recommend that a single consolidated Bill should be introduced without delay, dealing with borough registration.

Registration of municipal electors.

(47.) Your Committee, under the special instruction of the House, have considered the question of municipal registration. They are of opinion that it would be desirable to have one register for Parliamentary and Municipal elections. This, of course, could be at once attained if the qualifications and the dates were made identical in both cases. But even if that course is not adopted, and the difference of residential qualification is still preserved, there is no reason, if the registration dates were assimilated in both cases, why the registration for Parliamentary and Municipal purposes should not be, in fact, prepared by the same machinery and under the same authority. By combining the work in the same hands expense would be saved; and your Committee are of opinion that the cost of the plan they recommend may, under proper management, impose no heavier burden on the community than the present system, though attended by results far more satisfactory. Though the process may be at first somewhat tedious and troublesome, when an accurate register is once obtained, and the staff is trained to its work, the labour of keeping it in order will be comparatively light, and it will become from year to year more and more easy in its operation and perfect in its results. The Registrar and the constituency, working together for a common end on principles which will year by year become better understood, will learn to assist each other by various means which experience will suggest. Your Committee hope that under such a plan the end contemplated by the law will be accomplished, and persons entitled to the franchise will be enabled to exercise their suffrage without that vexation and expense which attends the present system of registration.

One register desirable; but in any case one registration authority to be secured.

2 *July* 1869.

PROCEEDINGS OF THE COMMITTEE.

Tuesday, 6th April 1869.

MEMBERS PRESENT:

Mr. Harcourt.	Mr. Rathbone.
Mr. Dilke.	Viscount Sandon.
Mr. Candlish.	Mr. Goldney.
Mr. Lefevre.	Mr. Morley.

Mr. VERNON HARCOURT was called to the Chair.

[Adjourned till Tuesday, 20th April, at Twelve o'clock.

Tuesday, 20th April 1869.

MEMBERS PRESENT:

Mr. VERNON HARCOURT in the Chair.

Mr. Lefevre.	Mr. Pemberton.
Mr. Rathbone.	Mr. Wentworth Beaumont.
Viscount Sandon.	Mr. Collins.
Mr. Candlish.	Mr. Wheelhouse.
Mr. Morley.	Mr. Hodgkinson.
Mr. Bourke.	Sir Stafford Northcote.
Mr. Dilke.	

Mr. *Francis Archer* and Mr. *Robert Hawkins* severally examined.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 23rd April 1869.

MEMBERS PRESENT:

Mr. VERNON HARCOURT in the Chair.

Viscount Sandon.	Mr. Wheelhouse.
Mr. Candlish.	Mr. Rathbone.
Mr. Dilke.	Mr. Collins.
Mr. Bourke.	Mr. Lefevre.

Mr. *Henry Hawkes*, Mr. *George Baker*, Mr. *John Henry Murrell*, and Mr. *John Richardson Procter*, severally examined.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 27th April 1869.

MEMBERS PRESENT:

Mr. VERNON HARCOURT in the Chair.

Mr. Bourke.	Mr. Dilke.
Viscount Sandon.	Mr. Rathbone.
Mr. Hodgkinson.	Mr. Wheelhouse.
Mr. Candlish.	Mr. Collins.
Mr. Morley.	Mr. Wentworth Beaumont.
Sir Stafford Northcote.	Mr. Lefevre.

Mr. *Sidney Smith*, Mr. *Duncan M'Laren*, a Member of the House, and Mr. *Thomas Fenwick Hedley*, severally examined.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 30th April 1869.

MEMBERS PRESENT:

Mr. VERNON HARCOURT in the Chair.

Mr. Dilke.	Mr. Staveley Hill.
Sir Stafford Northcote.	Mr. Morley.
Mr. Beaumont.	Mr. Bourke.
Mr. Candlish.	Mr. Rathbone.
Viscount Sandon.	Mr. Wheelhouse.
Mr. Collins.	

Mr. *John Boyd*, Mr. *Thomas Nicolls Roberts*, Mr. *Somerset Job Hyam*, Mr. *John Walker Maysom*, Mr. *Thomas Homer*, and Mr. *William Cremer*, severally examined.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 4th May 1869.

MEMBERS PRESENT:

Mr. VERNON HARCOURT in the Chair.

Mr. Dilke.	Mr. Staveley Hill.
Mr. Candlish.	Mr. Bourke.
Viscount Sandon.	Mr. Rathbone.
Mr. Morley.	Mr. Collins.
Mr. Wheelhouse.	Mr. Hodgkinson.

Mr. *Edmund Taylor* examined.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 7th May 1869.

MEMBERS PRESENT:

Mr. VERNON HARCOURT in the Chair.

Mr. Hodgkinson.	Mr. Morley.
Mr. Wheelhouse.	Mr. Collins.
Mr. Dilke.	Viscount Sandon.
Mr. Bourke.	Mr. Candlish.

Mr. *James Donaldson* and Mr. *Sydney John Mitchell* severally examined.

[Adjourned till Tuesday, 1st of June, at Twelve o'clock.

Tuesday, 1st June 1869.

MEMBERS PRESENT:

Mr. VERNON HARCOURT in the Chair.

Sir Charles Dilke.	Mr. Collins.
Mr. Bourke.	Mr. Wheelhouse.
Viscount Sandon.	Mr. Rathbone.
Mr. Candlish.	Mr. Lefevre.
Mr. Hodgkinson.	

The Committee deliberated.

[Adjourned till Friday, at Twelve o'clock.

Friday, 4th June 1869.

MEMBERS PRESENT:

Mr. VERNON HARCOURT in the Chair.

Mr. Collins.	Mr. Wheelhouse.
Mr. Hodgkinson.	Mr. Lefevre.
Mr. Rathbone.	Mr. Candlish.
Sir Charles Dilke.	Mr. Bourke.
Mr. Morley.	

Mr. *Lambert* and Mr. *Richard Owen* severally examined.

[Adjourned till Thursday, 24th June, at Twelve o'clock.

Thursday, 24th June 1869.

MEMBERS PRESENT:

Mr. VERNON HARCOURT in the Chair.

Sir Charles Dilke.	Mr. Collins.
Sir Stafford Northcote.	Mr. Morley.
Mr. Bourke.	Mr. Rathbone.
Mr. Lefevre.	Viscount Sandon.
Mr. Wheelhouse.	Mr. Candlish.

Mr. *Robert Paterson* and Mr. *Leofric Temple* severally examined.

The Committee deliberated.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 29th June 1869.

MEMBERS PRESENT:

Mr. VERNON HARCOURT in the Chair.

Sir Charles Dilke.	Mr. Candlish.
Mr. Collins.	Mr. Bourke.
Viscount Sandon.	Mr. Lefevre.
Mr. Rathbone.	Mr. Hodgkinson.
Mr. Morley.	Mr. Beaumont.

DRAFT REPORT proposed by the Chairman, read the first time, as follows:—

"(1.) Your Committee have inquired into and taken evidence as to the working of the system at present in force for the Registration of Voters in Boroughs in England and Wales, and have agreed to the following Report:—

"(2.) The existing system is so generally known, that it is unnecessary to describe it in detail. It is sufficient to state that the town clerk, or other authority in each borough, on 10th June of each year, issues his precept to the overseers of each parish within the borough, accompanied by various forms, directing the overseers to prepare an alphabetical list of persons entitled to vote on 31st July. This list, stating the Christian name and surname, with the place of abode, and the nature of the qualification of the voter, is published on 1st August on each church and chapel in the parish. Where there are freemen, the town clerk is to make the list of freemen entitled to vote. Where there are old rights of voting reserved, the overseers are to make out a separate list of such voters. In addition to these lists, there is also a separate list of lodgers. Thus it will be seen that in a borough comprising several parishes, there will be numerous lists made out by various authorities all acting independently the one of the other. On or before 25th August, any persons who have been omitted from the above lists, or whose qualifications have been wrongly described, may send in to the authorities, who make out the several lists, claims to have their names inserted on the register, or their qualifications amended. All persons claiming to vote as lodgers, must send in a claim in the form prescribed by the Reform Act, 1867, on or before 25th August. Claimants receive no notice of objection, and, therefore, have no knowledge till they come to the Revising Court, whether their claim will or will not be opposed. In a similar manner, a person on the list of voters may object to the name of any person inserted on that list; to which end he must deliver notice of objection to the authority who frames the list, and also serve, either personally or by post, upon the voter objected to, such notice of objection. On or before 1st September, the authorities charged with forming the lists are to publish lists of all such claims and objections, and also of the lodgers' claims. And all persons whose votes are objected to, or who have made claims, are called upon to appear before the Revising Court for adjudication between 15th September and 31st October.

"(3). This being, in brief, the general plan of the present system of registration, your Committee have inquired how far in its practical operation it has proved effectual and satisfactory. They have come to the conclusion that it is neither.

"(4.) In the first place, the main burden of a duty, which is very important in its character and difficult in its discharge, is imposed upon the overseers—officials by no means in all cases the fittest parties to fulfil such functions. They are generally unpaid functionaries, who change office periodically, and who have therefore neither the knowledge which accumulated experience gives, nor the inducement of reward to undertake a laborious occupation. Apart from this, where (as in majority of cases) the borough embraces numerous parishes or townships, we find a multiplication of authorities which is prejudicial to unity of action and uniformity of principle in the preparation of the lists.

"(5.) The duty prescribed by the law, viz., that of publishing on 1st August a list of persons entitled to vote on 31st July, is one which is obviously impossible of execution. The preparation of these lists is neither carried out in practice by the persons whom the law holds responsible, viz., the overseers; nor is the thing done which the law prescribes, viz., the preparation of a list of persons entitled to vote on 31st July. As a matter of fact, the lists are generally prepared by the rate collectors or assistant overseers, and are, in practice, little more than a transcript of the occupiers' columns in the rate-books. As a rule, little or no pains is, or indeed can be, taken to verify and correct the errors in the occupiers' column, so as to make the list an accurate representation of the persons entitled to vote on 31st July. In the first place, even if the occupiers' column were an accurate representation of the rated occupiers at the date when the rate was made, it will not represent the occupations at the qualifying date; but, secondly, it is certain that in most, if not in all cases, the occupiers' column of the rate-book supplies a very imperfect list of the occupiers even at the date of the rate.

"(6.) The evidence shows that the condition of the occupiers' column in the rate-book, in respect of accuracy, varies greatly in different boroughs, and has varied much at different times and under different circumstances. In the majority of boroughs where the practice of

composition, either under Local Acts or under the Small Tenements Act, prevailed before the Reform Act of 1867, it is certain that, in many cases, the rate collectors took little or no pains to enter the names of the occupiers correctly when the rate was collected from the landlords. This defect arose not from any absence of obligation to make such entries, for both by statute and by order of the Poor Law Board such entries are required, and a disobedience to the orders of the Poor Law Board is enforced by heavy penalties (4 & 5 Will. 4, c. 76, s. 98). These penalties have, however, been practically inoperative, for the rate collectors, having naturally regard exclusively to the collection of the rates, devoted their attention to the parties from whom they got the money, and to whom, in fact, they gave credit, viz., the owners, and not to those with whom, in practice, they had no concern, viz., the occupiers. The same thing occurred, and for the same reason, in boroughs where, without any legal composition, by agreement between landlord and tenant, the full rate was collected from the former and not from the latter. It is admitted that since the Reform Act of 1867, by which the practice of composition has been abolished, and it has been made compulsory to rate the occupiers, this state of things has been considerably altered, and that, in consequence, the occupiers' column more accurately represents the occupiers than formerly. But even since 1867 the defects before referred to have by no means disappeared. In spite of the abolition of composition the convenience both of landlords and tenants, which led to the general adoption of the compounding Acts in the majority of boroughs, has revived, and is daily more and more reviving, the system, temporarily interrupted, of the payment of the rate by the landlord. In proportion as this system prevails the inducement to the rate collector to concern himself with the occupier or tenant is diminished, and there is therefore a tendency to the renewal of the former defects of the occupiers' column, even under the existing law. But, further, your Committee cannot overlook the fact that, in the event of any change in the law, tending to a revival, in some form or other, of the compounding system, the old defects of the occupiers' column will inevitably recur, unless some system is adopted which will secure attention to the completeness and accuracy of the occupiers' column of the rate-book apart from the fiscal objects to which the rate collectors not unnaturally devote their principal attention. If the occupiers' column of the rate-book is still to be made the basis of the Register, there must be some method devised by which its political as well as its economical functions shall be kept continually in view, and adequately cared for. And, further, even if the duty of making the occupiers' column a complete list of the inhabitant occupiers at the date of the rate was perfectly fulfilled, as has been already shown, it would require to be again verified and corrected in order to supply an accurate list of the persons entitled to vote at the qualifying date.

"(7.) The preceding remarks will sufficiently show that the overseer's list, framed simply by transcribing the occupiers' column of the rate-book, is necessarily an imperfect list, and is, in fact, in many cases, most seriously incorrect. In the case of populous boroughs, many names of persons not entitled to vote appear on the list, and many are omitted whose title is well founded.

"(8.) The consequence of the imperfections of the primary lists is, that, in order to correct them and bring them into anything like conformity with the principles of the franchise, the costly and vexatious system of claims and objections is necessarily employed. A list which ought to be in all substantials accurate is, in fact, so defective that it can only be corrected by a tedious and expensive litigation in the Revising Courts, which, after all is done, from the very nature of the case can administer but imperfect justice.

"(9.) The existing law for the registration of voters in boroughs is founded on the principle that such registration 'is a business of the State, and ought to be placed as far as possible beyond the influences alike of the ignorance or apathy of the citizens and the interested action of political agents.' But by the operation of the registration system, as it works at present, a large per-centage of persons entitled to vote can only obtain the franchise by a troublesome and costly course of proceedings, instituted either by themselves or by others on their behalf. This result, which is entirely at variance with the declared intention of the law, operates with peculiar hardship upon the class of voters who are dependent for their subsistence upon weekly wages—the class whom it was the special object of recent legislation to enfranchise. A redress of their grievances in this respect becomes consequently a necessary complement and corollary to the Reform Act of 1867. To an artisan or labourer the trouble and loss of time consequent on sustaining a claim or resisting an objection, acts as a severe pecuniary fine. He may lose several days' wages, and, what is more serious, permanent employment, as the price of his attendance in the Revising Court; and, after all, he may be defeated by technical objections or accidental errors for which he is not responsible, but which arise from the inexperience or negligence of the persons to whom the making out of the list is entrusted. This state of things leads to a result equally objectionable in principle and mischievous in practice. When it is found that the working men cannot bear the burden of sustaining their own rights, party political organisations are formed for the purpose of discharging that duty which the law assumes to be fulfilled by the public authority. The correction of the errors of the overseers' lists is undertaken by rival registration associations. An expensive machinery is set to work to strike off assumed opponents, and to place upon the register persons who are assumed adherents, frequently on the very ground that their vote is obtained at the expense of those who sustain the claim. The action of such associations is necessarily prejudicial to the independence of a constituency, and not only affords the means, but supplies a grave temptation to illegitimate practices and corrupt inducements, whilst, at the same time, the imperfect operation of

of the responsible registration authority justifies their existence and forms an excuse for their operations. It is notoriously difficult to discriminate between money legitimately expended in registration, and money which, under the name of registration, is practically employed to corrupt a constituency.

"(10.) One of the most serious evils consequent upon the inaccuracy of the overseers' list, is the system of wholesale objections which has been shown to prevail in many places. When party spirit runs high, and political forces are evenly balanced, as a matter of election tactics, it is of course worth while, and the temptation seems irresistible, to scatter objections broadcast amongst supposed opponents, upon the calculation, quite apart from the validity of the objections, that a certain per-centage of the voters objected to will not be able or willing to appear to sustain their vote. At a very small expense, by serving objections (as is done in some cases by thousands), a great political advantage may be gained. The notices of objection are served by post at the residence of the voter stated on the overseers' list; if the voter has removed to another street, the notice of objection never reaches him, and his name is struck off the register without his knowledge. Many voters, even when the objections reach them, will either not incur the trouble and expense of attendance, or will promise their votes to those who will undertake the expense, or defray their loss in attending to sustain their franchise. It is true that the Revising Barrister has a discretionary power to award costs, but the evidence shows that this power is insufficiently exercised. A voter, whose name or the number of his street is wrongly described on the overseers' list, gets no costs for his attendance to correct an error which has occurred by no fault of his own. Again, when a man has occupied two houses in succession, though the law gives him a right to his vote, yet if, as is often the case, he appears in the list only in respect of one house, the defect is incurable by the barrister, unless a claim to amend has been put in; a process which, as a fact, the operative class are not likely to pursue.

"(11.) The errors of omission in the overseers' list are not less serious in their operation on the rights of the voters. Persons who have an undoubted right to the franchise can only repair the mistakes of the overseer by a formal claim, which it requires knowledge and trouble to fill up; and when the claim is delivered, the voter must appear at much cost of time and trouble before the Revising Barrister to sustain a demand which is in fact indisputable and often undisputed.

"(12.) The scenes at the Revising Courts in populous boroughs become consequently a scandal to our representative system. An enormous quantity of unnecessary litigation is created by the imperfection of the lists which have to be thus corrected. Hundreds of working men are kept in attendance for days to oppose objections of the most trivial and sometimes wholly unfounded character, or to sustain claims which ought to have been recognised in the original list, and which there is no ground for disputing. The result is dissatisfaction, and persons entitled to the franchise abandon all attempt to secure their rights, in despair and disgust. In the midst of the confusion and hurry, good votes frequently fall through, and bad votes not seldom slip in.

"(13.) Your Committee have therefore devoted their careful consideration to the discovery of a remedy for this unsatisfactory state of things. Being convinced that the fundamental cause of the existing evils is the faulty character of the primary list, they have sought for some efficient means of securing the preparation, in the first instance, of a more complete and accurate list. And in the next place they have desired to create a machinery by which the professed object of the law shall be secured, viz., that all persons entitled to vote shall, as far as possible, be placed upon the register without unnecessary trouble or expense to themselves or others.

"(14.) The inquiries of your Committee have been naturally directed to discover some system in practical operation which is free from the objections which it is their desire to remove. They have found such an example in the registration system of Scotland, For the details of that system, they beg to refer to the valuable evidence of Mr. M'Laren, M.P. for Edinburgh, and of Mr. Donaldson, and Mr. Paterson, the Valuation Assessors of Glasgow and Edinburgh. The Scotch Borough Registration Act is the 19 & 20 Vict. c. 58, and a detailed account of its operation will be found in the treatise on the 'Law of Election and Registration in Scotland,' by Mr. Badenach Nicolson. It will be sufficient here to refer generally to the outlines of the plan. Each burgh in Scotland is generally contained in and conterminous with a single valuation district. A public officer is appointed to conduct the valuation of all the tenements within the burgh; and this valuation roll is supplied to all the taxing authorities as the basis of their several impositions. For the purpose of carrying out this valuation, the valuation assessor in large burghs like Glasgow and Edinburgh has a staff under his direction, who are constantly employed in a survey of the tenements in the burgh. By the Scotch Registration Act, the valuation assessor is constituted the authority on whom the duty devolves of making out the list of voters. He, in fact, fulfils the office which in England is committed to the overseers. At the period when the registration lists are to be prepared, he employs the staff of his office, and, if required, procures additional assistance to prepare the lists; the work is done, under his direction and superintendence, by his assistants, who are conversant with the several districts and trained to the business. The results are so satisfactory that it seems that objections and claims are of rare occurrence. Mr. M'Laren and Mr. Paterson state that the working of the system in Edinburgh is almost faultless. In a town of the great size of Glasgow, the

work of the Revising Court is almost nil; and though Glasgow contains so migratory a population that, according to the evidence of Mr. Donaldson, there were 40,000 changes of assessment in a year, the errors in the original list are very few, and are corrected principally upon the evidence of the valuation assessor himself, upon whose testimony the Revising Court acts. The total cost of the last registration in Glasgow was about 2,200 *l.*, and that of Edinburgh 800 *l.* Particulars of the charges will be found in the Appendix. These sums represent in either case a cost of between 4 *l.* and 5 *l.* for each 1,000 of the population, and the same for every 225 separate assessments which yield 100 names to the Register.

"(15.) With so excellent a model before them, your Committee's object has been to discover by what means they might best assimilate the English system to that which has acted so satisfactorily in Scotland. It will be observed that the merits of the latter system depend in a great measure upon the fact that the whole process in each burgh in Scotland is conducted under the superintendence and authority of a single person, which secures unity of action and uniformity of principle; and, further, that it is carried out under the direction of a person, whose official and permanent duties are of a cognate nature, which make him specially fit for the discharge of these particular functions. Unlike the overseers in England, the valuation assessor in Scotland is a single authority in each burgh; and unlike the overseers also, he is a permanent officer, who has year by year accumulated experience in the duties of registration.

"(16.) The first business of your Committee, therefore, was to inquire in what quarter in the English boroughs they could discover some corresponding single and competent authority whose action in the matter of registration might promise similar advantages. The answer to this inquiry is not wholly satisfactory. The separate and conflicting jurisdictions of local authorities, some acting under general, some under local Acts, present themselves everywhere in perplexing confusion. The necessity of some single authority and some simple action is everywhere apparent. We cannot in any English borough find such an authority as the valuation assessors of Scotland.

"(17.) Though your Committee think it right to point out the inevitable results of the want of a single and simple valuation system in the English boroughs, it is no part of their function to deal with the reform of the existing organisation of local government. Convinced as they are, that a complete and perfect plan of registration can only be looked for in a reformed system of local government, it is their present business to make the best recommendations that appear to them available under the actually existing condition of things.

"(18.) It has been suggested that a single competent registration authority in each borough might be at once attained by the simple process of creating such an officer for the express purpose, and placing at his disposal sufficient funds and an adequate staff to effect the object in view. Such a method of solving the difficulty would, no doubt, be more simple, and, probably most effectual. But your Committee are not prepared to recommend such a course, for the following reasons: If such an officer, with an adequate salary and staff, were to be created and sustained for this purpose alone, which would occupy him only during a portion of the year, the expense would be necessarily considerable, and the borough ratepayers would naturally be jealous of such an increase of their local burdens, already more than sufficiently heavy. There might also be difficulty in vesting the appointment of such an officer in any department which would not be exposed to local and political jealousy. Your Committee, therefore, have thought it better, even at the expense of complete symmetry, and possibly of absolute efficiency, to seek to utilise some existing machinery which should entail less additional expense, and should give rise to less local opposition.

"(19.) In seeking, therefore, for some existing authority which might approximately supply the want of a single head for the registration system in boroughs, and who should have at his disposal an actually existing staff suitable for the purpose, your Committee's attention has naturally been directed to the organisation of the Poor Law Unions. The evil of the multiplicity of authority will be, to a great degree, remedied by substituting the more comprehensive denomination of the Union for the limited subdivision of the Parish or Township. The whole current of reform in local government tends in the direction of merging authority for such purposes as valuation and assessment in the Union. Your Committee have received from the Poor Law Board a table (*vide* Appendix), which shows that of the boroughs of England and Wales, 135 are comprised within a single Union, 25 within two Unions, and 39 in more than two Unions—including in the term Union, a single Parish, under a separate Board of Guardians. These Unions, when consisting of more than a single Parish, all possess, under the name of 'Clerk to the Assessment Committee,' appointed under the Union Assessment Committee Acts, who is always the Clerk or Assistant Clerk to the Board of Guardians; and in places where (as in many of the metropolitan parishes) Unions have not been established, their place is supplied by 'Clerks to the Vestry,' or 'Clerks to the Board of Overseers.' These persons are generally officers of character and experience, who fulfil duties not very unlike those discharged by the Valuation Assessors in Scotland. These officers, for purposes of the valuation assessment in England have, to a certain extent, already relations with the rate collectors, who, under the direction of the overseers, supply the materials for the valuation; and (what is not unimportant) these officers already, under the Act 7 & 8 Vict. c. 101. s. 15, exercise a revising authority over the list of persons entitled to vote as owners for the election of guardians. In Ireland the

Clerks

Clerks to the Guardians are made the registration authority in Boroughs, and your Committee are informed that the system is considered to work satisfactorily in that country. If these officials, who may be comprehended under the general definition of the '*Clerks to the Assessment authority*,' should be constituted the Registrars of voters, it is evident, from the Return before cited, that, for the larger number of the boroughs of England and Wales, we should attain that single permanent, and it is believed competent, registration authority which is the great desideratum.

"(20.) The first and fundamental recommendation which your Committee has therefore to offer is, that the preparation of the list of voters shall be entrusted to the '*Clerk to the Assessment authority*' in each borough, and that he shall have power given, either by statute or by the action of the Poor Law Board, to employ the rate collectors, or other parochial officials, to assist, under his superintendence and control, in the preparation of such a list. The Registrar should be clothed with authority to enforce all such penalties as may be imposed upon the overseers with respect to the omission of names or other entries from the rate-book. These rate collectors will be able to carry on this work contemporaneously with, and as part of, their ordinary daily duties, and incorporate the business of registration with that of the collection of the rate. Your Committee recommend that such official shall have the title of 'Registrar of Voters,' and that he and the persons whom he may have to employ shall be remunerated in such manner as shall be prescribed by the Board of Guardians, subject to the approval and revision, from time to time, of the Poor Law Board, in the same manner as the remuneration made to the Clerk of the Assessment Committee.

"(21.) Having thus provided generally a single registration authority for the majority of boroughs, it will be observed that 25 boroughs under the proposed definition will have two such authorities, and 39 boroughs will have more than two. The contributory boroughs of Wales are necessarily, for the greater part, distributed in several Unions. The annexed Table shows the situation of the English boroughs in this respect. The third column shows that the cases, when there are more than three Unions within the limits of the Parliamentary borough, are confined almost exclusively to the metropolitan district, and to the class of boroughs (like Cricklade) which more nearly resemble small counties:—

"TABLE showing PARLIAMENTARY BOROUGHS in *England*, not comprised within a Single Union.

Parliamentary Boroughs Comprised in *Two* Unions.		Boroughs Comprised in *Three* Unions.		Boroughs Comprised in *more than Three* Unions.
Birkenhead.	Newcastle-under-Lyme.	Aylesbury.	Manchester.	Chelsea.
Brighton.	Rochester.	Birmingham.	Great Marlow.	Finsbury.
Chester.	Salisbury.	Bristol.	Marylebone.	Southwark.
Chichester.	Shaftesbury.	Canterbury.	Midhurst.	Tower Hamlets.
Devonport.	Sheffield.	Greenwich.	Oxford.	Westminster.
Gravesend.	Southampton.	Hackney.	Pontefract.	Cricklade.
Hastings.	Wareham.	Hythe.	Stoke-on-Trent.	East Retford.
Hull.	Wolverhampton.	Lambeth.	Wednesbury.	New Shoreham.
Lewes.	Woodstock.	Liverpool.	Wilton.	Wenloch.
Middlesborough.		London.		Ipswich.
Newark.				Leeds.

These exceptions, no doubt, mar the completeness of the proposed reform; but, for the reasons stated above, your Committee are willing to tolerate some imperfections in utilising an existing authority rather than seek to introduce an entirely new machinery. The amount of the evil of multiplicity of authority may, however, probably in many even of these cases, be diminished or removed. The Poor Law Board has power to remove parishes from one Union into another, and it is possible that, before long, boroughs, which now form part of several Unions, may in future be all comprised in one. In boroughs which are of great size and population, it does not seem to your Committee that there will be any great disadvantage in leaving the registration to be dealt with in the separate Unions by several officers. Thus, in the metropolis, the parishes, which are in themselves as populous as many large boroughs, will continue to be dealt with generally, as at present, by the vestry clerks, who are a body of officials whom your Committee believe to be sufficiently competent, and appear generally, so far as the materials at their disposal permitted, to have done the work of registration efficiently. There may be special circumstances in particular boroughs which require exceptional treatment. In towns like Leeds and Manchester it would probably be found expedient to make the 'Clerks to the Incorporated Boards of Overseers' the Registrars. These exceptions are, however, rather the business of those who will have the responsibility of legislation than of your Committee. In the Scotch system of registration where there is more than one valuation assessor in each borough, one such assessor is appointed the Registrar for the whole borough, and is responsible for the preparation of the

whole register, and the other valuation assessors are subject to his orders and control. If the several union authorities could be induced to assent to the adoption of a similar system in boroughs in England which comprise more than one union, a single authority for purposes of registration might be in like manner everywhere secured.

"(22.) In addition to the general advantage of establishing a single registration authority, your Committee have to point out two special benefits which will be secured. In the first place duplicate entries of persons having qualifications in different parishes may be obviated, and with the removal of such duplicate entries the temptation to personation of voters at elections will be diminished. And, secondly, as the rate collectors in the several parishes or districts will report to the Registrar the removals and arrivals of each occupier, the cases of successive occupation can be more correctly traced, and efficiently dealt with in the Registrar's list.

"(23.) Your Committee desire to refer specially to the evidence of Mr. Lambert as confirming the practicability of such a scheme.

"(24.) It has been suggested that it may be necessary to make provision against unfair and improper party bias in the action of the Registrar thus constituted. Your Committee believe that an official placed in such a public and responsible position, acting under the public eye, and under the control of public opinion, would feel it incumbent on him to stand aloof altogether from party contests, and to assume an impartial attitude. It should, however, be specially provided that no Registrar, nor anyone in partnership with him, should take any part in elections. Such officers as it is proposed to invest with these duties are already under the control of the Poor Law Board, and they would be removable upon any well-founded allegation of improper conduct.

"(24.) With reference to the staff to be assigned to the Registrar for making the investigations necessary to a complete and accurate list, your Committee have already indicated that the services of the rate collectors should be placed at his disposal and under his control, but it is possible that additional assistance may be required in cases where the operation of registration would interfere too much with the business of collecting the rates. The attention of your Committee has therefore been directed to another local staff already on the spot, who, from their occupation, are necessarily conversant with household tenure, viz., the the letter carriers and other servants of the Post Office. By the direction of the present Postmaster General an experiment was made to see how far such persons could be utilised for the purposes of a survey of the occupiers in a borough. The result of that experiment is given in the evidence of Mr. R. Owen, the Postmaster of Chester. Chester is a town of 34,000 inhabitants, with 7,600 inhabited houses. The Post Office employs 10 letter carriers. These letter carriers, under instructions set forth in the evidence, working in extra hours, made a complete list of the inhabitant householders in a time which amounted altogether to 216 hours. As a fact, this time was distributed over 14 evenings. These 10 men, therefore, could have done the whole work in three days of seven hours. The cost of the work was between 11*l.* and 12*l.* It is obvious that such a staff, if placed during the registration months at the disposal of the Registrar under the directions of the Post Office, would render most efficient assistance in making or correcting the lists. Your Committee believe that the Post Office would have no objection to allow the letter carriers to employ their leisure hours in a manner which would secure to a deserving class of persons some extra remuneration, whilst the instance of Chester shows that the services of an experienced staff can thus be obtained at a very reasonable rate.

"(25.) Having thus defined the persons by whom the work is to be done, it remains to indicate the reforms which your Committee are prepared to recommend in the manner of preparing the lists. It has been already pointed out that the present system allows no time, before the publication of the list, for an investigation of the voters entitled at the qualifying date. Such an interval appears to your Committee indispensable to the due preparation of a correct list. If the list professes to represent the persons entitled to vote on 31st July, there ought to be time given before its publication to ascertain by actual survey who are such persons. In order to allow of this, it will be necessary to extend the operations of registration over a longer period, and therefore to throw back the date of qualification. The two principal requisites for the formation of a really perfect list are, sufficient time for the work and an authority on the spot, always accessible, to receive information and to make corrections. If, therefore, the qualifying date were fixed on the last day of May, the Registrar might during the month of June, with the aid of the staff at his disposal, institute a thorough investigation of the occupiers, inhabitant householders, and lodgers in the borough at that date, and construct his list accordingly. This list thus made out as accurately as he was able to make it, might be published on the last day of June.

"It is enacted by sect. 28 of the Reform Act of 1867, that a notice shall be served on 20th June, upon all occupiers of premises in respect of which the rates due on 5th January may be in arrear, informing such occupiers that if such rate is not paid on 20th July, the occupier of such premises will not be entitled to be registered. And by sect. 29 of the same Act it is provided that a list of all persons who have failed to pay such rates shall be published on the 22nd July. As it is necessary that the Registrar should be placed in possession of the names of occupiers finally in default, the overseers should supply to the Registrar at the qualifying date, *i. e.* May 31, a list of all occupiers of premises in respect of which the January rate remains unpaid. The overseers would on that date serve notice

on

on such occupiers, advertising them that if the rate is not paid on 25th June, they will not be entitled to be registered. As these notices will be served by the rate collectors, who will be employed to make the Registrar's lists, the Registrar will have the means of knowing which are the premises in respect of which the rate still remains unpaid on 25th June; and such persons will be accordingly omitted in his list of voters, to be published on 30th June; or the overseers might be required, on 25th June, to supply to the Registrar a list of those who were in default upon 31st May, but who have paid up the arrears in the interval; such persons will then be placed by him upon his list.

"By section 36 of the Reform Act of 1832, and by the 40th section of the Reform Act of 1867, it is provided that the names of all persons who have received parochial relief within 12 calendar months preceding the last day of July shall be omitted from the overseers' lists. It frequently occurs, however, that this duty is imperfectly performed, and, in consequence, objections must be made to the names of those who are thus disqualified, but who nevertheless are placed upon the lists. In order to obviate this, a list of persons who have received parochial relief during the 12 months preceding should be furnished to the Registrar before the publication of his first list. He will thus omit from it the names of all such persons.

"(26.) With reference to the form of this list, your Committee are of opinion that the present plan may be advantageously changed. At present, the street arrangement pursued in the rate-book is first converted into an alphabetical list of all the persons in one parish. This transposition leads to many errors; and for the purpose of subsequent survey and investigation, it is obvious that the street arrangement is much more convenient. Everyone who has had experience of canvassing is aware that the first step necessary for that purpose is to re-convert the alphabetical into a street list. Your Committee are of opinion that the Registrar's first list should be a street list, with the number of each house in succession, the streets being themselves alphabetically arranged. This is the system pursued in Edinburgh. Mr. Paterson of Edinburgh has stated in his evidence his reasons for proposing a street list. The alphabetical arrangement is, however, pursued at Glasgow. A copy of a sheet of the Edinburgh register is printed in the Appendix. Each voter will easily find his own street, and then, knowing his number, will find his own name. When the register is finally completed, the street list may be turned into an alphabetical register for the purposes of polling.

"(27.) Although by existing statutes (10 & 11 Vict. c. 34, ss. 64, 65, and 21 & 22 Vict. c. 98, s. 45) there is already provision for compelling the proper numbering of houses in boroughs, this duty seems, in many cases, to be most imperfectly enforced. Your Committee are of opinion that further precautions should be taken to ensure this necessary preliminary to the formation of a correct list, and power should be given to the Registrar to enforce it by penalty on the owners of house property.

"(28.) Your Committee are satisfied that the present system of publication of the lists is defective and unsatisfactory. The lists are directed to be posted on the doors of churches and chapels, which have generally an outer gate; so that the lists are practically inaccessible to the public during the greater part of the week. The object ought to be to bring these lists as much as possible under the eye of the inhabitants, so as to secure their easy and speedy correction. It seems to your Committee that it would be a good thing, as far as practicable, to exhibit in each street the list of voters in that street; the matter would then become a subject of street discussion amongst neighbours; those who were left out or improperly inserted would find one another out; and the Registrar would soon have the materials brought under his notice for making the necessary corrections. If this were found impracticable, the lists might be posted at the nearest police station or post office.

"(29.) When the lists are so published, the constituency will have the opportunity of scrutinising them, and bringing to the notice of the Registrar their errors or defects. This may still be done by the machinery of claims and objections, or (as it is hoped will more often occur) by the action of the Registrar himself, upon the information supplied to him by the voters. Your Committee, however, think it desirable that the machinery of claims and objections, where they are still required, should be made much more simple and available than it is at present; and that when the claims and objections are clearly well founded, and the errors are of a merely formal character, some plan should be devised by which correctness should be secured without compelling the attendance of the voter at the Registration Court. Your Committee have, therefore, been anxious to arrange some method by which the Registrar may be enabled to revise his own original list, and to make such corrections as he would have made in it at first, if he had possessed complete information. It is proposed, for this purpose, that within a month after the publication of the lists all persons who desire to make claims or objections should deliver them to the Registrar. The claim should be in the simplest form, stating the facts necessary to support the claim. Forms of claim should be provided at the Registrar's office, and any amendment should be allowed, so as to prevent any really good vote being defeated by a mere formal error.

"(30.) With reference to objections, your Committee are of opinion that the present system should be entirely altered. At present the notice of objection does not state the ground upon which the objection is founded; so that any voter may be called upon to attend the Revising Court without knowing upon what point his title to the franchise is to be attacked. But this is not all: a delivery to the post office of a notice of objection, addressed to the residence stated on the list, is in itself made sufficient service; and thus a

man's vote may be struck off, without actual notice, in cases where he has changed his residence, or where the overseer has by mistake inserted a wrong address in his list. Your Committee recommend, in the first place, that every notice of objection shall state specifically the ground upon which the vote is objected to, and, secondly, that when the notice of objection is delivered to the Registrar, if he is satisfied that the ground of objection is sufficiently stated, the duty of serving the notice on the voter shall devolve upon the Registrar. This may easily be performed by his staff, like the service of summonses. The rate collectors or letter carriers would deliver the notices of objection in each street, and enter a note of service; and in cases where the persons objected to could not be found, report the fact to the Registrar, who would thereupon cause further investigation to be made. The persons employed to serve the notices of objection would at the same time make the necessary inquiries as to the validity or otherwise of the ground of objection, so as to supply material for the Registrar's memorandum.

"(31.) The objections and claims having been thus delivered to the Registrar, he will, as soon as possible, publish them in the same manner as the original lists. They should be similarly distributed in streets, *i. e.*, there should be a list for each separate street of claims and objections. This will greatly facilitate their further examination, as every proposed correction of the list will be shown for each street in the order of the houses.

"(32.) It is at this point that your Committee propose that the preliminary revision by the Registrar of his own list should be instituted. As soon as he receives the complete list of claims and objections, it is proposed that the Registrar should investigate each case by the light of such information as he can obtain. This may be effected either by inquiry on the spot, or by information supplied by the parties at their convenience at his office, or by any other method which may tend to the desired end. The object is not to institute a judicial investigation, but to inform the judgment of the Registrar, so as to assist in the perfection of his list. The Registrar will be an authority who is conversant with the district, and will be always accessible to the constituency for the purpose of receiving their communications. The corrections, therefore, may be made with ease and convenience. A month should be allowed in which a complete inquiry should be instituted as to all claims and objections; and according as the Registrar is satisfied that they are well or ill-founded, he will write "allowed" or "disallowed" opposite to each vote which is the subject of claim or objection. Where an objection can be cured by an alteration in the original list, the alteration should be shown as the ground for disallowing the objection. The same thing should be done with defective claims where they can be amended, and the claim allowed, subject to such amendment.

"(33.) It is not sufficient, however, to leave the correction of the list solely to the operation of claims and objections made by other persons. It happens often that, from motives of policy, names which ought not to be on the list are left there because neither party likes to incur the odium or take the trouble of objecting. Your Committee are therefore of opinion that in cases where, by further investigation, errors either of insertion or omission in the original list come to the knowledge of the Registrar, he should himself have power to discharge the office of claimant or objector. It is therefore proposed that, at the same time that he publishes the list of claims and objections made by the public with his note of allowance or disallowance, he should also enter on the same list the names of persons whom he thinks it right himself on further inquiry to omit or insert in variance from the original lists. But in cases where he proposes to omit a name inserted in the first list, he shall serve a notice on such voter stating the ground of objection to his vote; and when he proposes to insert a new name, any one shall have a similar right to object as if the name had been on the original list.

"(34.) These lists of claims and objections by the public, showing which are allowed and which are disallowed by the Registrar, and also the names proposed to be inserted or omitted by the Registrar, will be published, as before, in each street.

"(35.) The decision of the Registrar on these matters is, however, not intended to be final. All claimants against whom he has decided may persist in their claims: those persons who object to the claims which he has allowed may desire still to object. The persons who have made objections to names on the original list may insist, though he has disallowed their objections; and in cases where he has allowed the objection, the person objected to will still have the right to defend his vote. So in the cases where he proposes to omit or insert a name on the original list, any person may still be heard against such omission or insertion. Time should therefore be given in which persons who desire to challenge his decision may give notice of their intention to persist in claims or objections, or to object to new claims by voters, or insertions or omissions by the Registrar. A fortnight would probably be sufficient to allow for sending in such notices. When they are complete a list of them should be published and notice served upon all claimants or voters who are still objected to, to attend at the Revising Court to sustain their vote. This list will comprehend all the cases to be litigated in that court. No person who is not upon this final list will be called upon to attend the Revising Court, but his vote will stand or fall by the decision of the Registrar. A fortnight should elapse between the publication of this final list and the sitting of the Court. It is anticipated that the thorough preliminary investigation which has thus been instituted by the Registrar will have eliminated all formal and curable errors, and that

that there will be nothing left for the Revising Court but questions of seriously disputed facts or law.

"(36.) The first proceeding before the barrister will be to take the objections to the names on the original list, and the names proposed by the Registrar to be omitted. Where the Registrar has allowed the objection, or proposed to omit a name, and his decision has not been challenged, the barrister will, as a matter of course, strike out the name from the original list. In the same way, where the Registrar has allowed a claim or proposed to insert a name, and his decision is acquiesced in, the name will be inserted. When the list is so far rectified, the litigated cases will be next taken. The Registrar will show the grounds on which he has acted, and the parties will be heard in defence of their own view.

"(37.) Your Committee are of opinion that in case of objections to votes which the Registrar has allowed, whether in his original list or as claims, or in case of names which he proposes to insert, if the objection is persisted in and fails before the barrister, the voter shall be entitled as a matter of right to costs of not less than 5 *s.*, with power to the barrister to increase the costs to 5 *l.* in case he shall be of opinion that the objections have been vexatiously made. Your Committee are further of opinion that where the objector gives final notice of his intention to insist on his objection, he should be compelled to deposit 5 *s.* with the Registrar as security for the costs in case of failure. Your Committee also recommend that in all cases of objection before the revising barrister, the objector shall be called upon to give some *primâ facie* evidence of the ground of his objection before the voter is called upon to sustain his vote. This would afford a protection to the voter against mere 'fishing' objections.

"Mr. Temple, who is a revising barrister, has recommended that a regular scale of costs suitable to different classes should be generally adopted, and your Committee are of opinion that such a scale of costs should be prescribed by the Court of Common Pleas.

"(38.) Your Committee have reserved for separate consideration the case of the registration of lodgers. It is no part of their duty to deal with the definition of the franchise, but they cannot avoid pointing out that the first requisite to a good registration should be a clear definition of the title to be registered. It appears of essential importance that some further statutory explanation should be given of the terms 'lodger' and 'house.'

"(39.) Assuming, however, a proper definition of the term 'lodger' to be arrived at, your Committee are of opinion that the present machinery provided by the Reform Act of 1867 for bringing this class of voters on the register is very defective. Indeed the lodger franchise at the last registration has in many boroughs proved little better than a dead letter. In the first place, the form of claim prescribed by the Act is unnecessarily complicated and embarrassing; in the second place, the whole class of lodgers being regarded as entitled only in virtue of a claim, are compelled to attend at the Revising Court, however good and undisputed their title may be. In the Metropolis this inconvenience falls most heavily upon the better class of artisans, who form the greater part of the lodgers, and who can least afford the loss of time and trouble involved. It is obviously unjust, that whilst the inhabitant householder of the smallest tenement is entitled to be put on the list without trouble to himself, the lodger, who pays 10 *l.* a year, should be exposed to difficulties which practically exclude him from the register. The object of your Committee has, therefore, been to place the lodger, as far as possible, in as favourable a situation as the other classes of voters. At the same time, as the rate-book affords no clue to the existence of the lodger as it does of the inhabitant householder, your Committee have not thought it possible to devolve upon the Registrar the absolute duty in the first instance of making out the lodger list. They recommend that lodgers at the qualifying date should send in to the Registrar a notice of their claim to be registered. This notice of claim should be in the simplest form, such as the following: 'I give notice that I claim to be registered a voter for the borough of —— in respect of my lodging at —— street, No. —.' The Registrar might take measures to distribute such forms of claim, in the manner which might make them generally accessible to the lodger class, and the lodgers might be desired, with their notice of claim, to supply such further details as might satisfy the Registrar of the validity of their title. After this notice is served it should be the duty of the Registrar, during the month in which he is engaged in constructing the occupiers' list, to investigate the lodger claims, and, in all cases where he is satisfied that the claims are good, to insert the names in his first list. The names will take their proper consecutive place in the street list with the occupiers, the qualification as lodgers being properly indicated. Those claims which the Registrar on inquiry finds to be doubtful or bad will be published at the proper time with the claims of the occupiers; and as the lodgers' claims will have been already investigated by the Registrar, he will write against them 'disallowed.' Any person may object, as in the case of the occupiers, to the lodgers who have been inserted by the Registrar on the first list, and any lodger whose claim has been disallowed by the Registrar may go to the Revising Court to establish his title. The Registrar also, in his amended list, may, as in the case of occupiers, give notice of his intention to insert names of lodgers who have been omitted, or to omit names which have been inserted in his first list. Thus, with the exception of the necessity, where the vote is claimed for the first time, of giving a preliminary notice, the lodger will be placed on as favourable a footing as the occupier, and will not, in the case of a clearly good claim, have to go to the Revising Court, nor will he be left, as at present, without notice of objection, stating the grounds of that objection. It is hoped that by this system the great majority of good lodger voters will be placed on the

register at the smallest amount of trouble to themselves. In the case of lodgers who have once been on the register, the fact of their names appearing on the last register should be regarded as equivalent to the preliminary claim, and the Registrar should be bound to inquire into their title to be on the new register without any further action on their part; and if he finds them to have ceased to be entitled, he should publish their names amongst the other claimants whom he has disallowed. Your Committee are satisfied that in the great majority of cases the official whom it is proposed to appoint as Registrar, and the staff under his directions, will, from their special knowledge of the character and value of the tenements, be able easily to form a judgment upon the title of the lodger. In cases where the claim is on the dividing line, the Registrar should send the matter for adjudication to the Revising Court. As it is the intention of the Committee to place lodgers who have given notice of claim on the same footing in all respects as occupiers, they are of opinion that there should cease to be a separate lodgers' list, and that the lodgers should appear in the street list like the occupiers, in the order of the tenements where they lodge. The course which your Committee contemplate should be pursued in respect to the lodgers is that which has been for some time in operation in Scotland, and is thus described in Mr. Nicholson's book: 'Lodgers do not appear on the valuation roll at all, and the assessors might perhaps act up to the letter of their duties if they took no trouble about them, but, ignoring them in the list of voters, allowed them to put in their claims (a quite competent course) under section 3 of the Burgh Registration Act. The practice, however, is for the assessor, whilst he is making up his list, to put an advertisement in the newspapers, calling on all qualified lodgers to communicate with him as to their right to be put on it. He then takes from them an application setting forth the grounds of their qualification, and, if he is satisfied with these, he puts the party on the list at once, of course subject to objection and to the sheriff's revisal.

"Your Committee learn, from the evidence of Mr. Patterson, that in Scotland if, where the rating condition of the franchise did not prevail before the Act of 1867, it has always been the custom to place lodgers on the register, and their title to the franchise for successive occupation of lodgings has been always recognised. In fact, before the Reform Act of 1867, lodgers in Scotland stood in exactly the same footing in all respects as occupiers.

"(40.) It has already been pointed out that one of the great advantages of a single superintendence would be that no duplicate entries of the same voter should appear on the register. Where there is only one registering official, as will be the case in the majority of boroughs, this will easily be accomplished. Where there are in others two or more Registrars they will be able, by communication one with the other, to accomplish the same object in the settlement of the final list. If it is thought desirable that there should be a separate entry for each occupation of a single voter, his name might be entered under one occupation, and the other occupations might have the name in blank, with a reference to the number where his name appears. In order to meet the case of successive occupations, the rate collectors should be directed to keep a book showing all changes of occupation, from week to week within the year, one column exhibiting the new occupiers who enter, and another exhibiting the occupiers who leave their district. If these books are alphabetically arranged it will be easy, by simple comparison, to trace the successive occupations of each voter.

"(41.) In boroughs where there are freemen entitled to vote, a separate list is at present made out by the town clerk. As it is desirable that the whole registration in each borough should be placed under one control, your Committee recommend that the town clerk should, at the qualifying date, supply to the Registrar a list of persons entitled to vote as freemen. With reference to the freemen residing within the limits of the Parliamentary Borough, they should be entered in the Registrar's street list, in the order of the tenements in which they reside, their qualification, as freemen, being properly indicated. With respect to the out-town freemen, a separate list will still have to be made.

"(42.) It now only remains to present a synopsis of the manner in which the scheme recommended would practically work.

"The following dates are adopted only by way of suggestion:—

"May 31.—Date of qualification of voters. At this date lodgers who have not been on the previous register will lodge notice of their claim with the Registrar. The town clerk will also supply to the Registrar a list of freemen entitled to vote.

"Between this date and June 30 the Registrar and his staff will be employed in investigating the title of all persons qualified to vote, whether occupiers, freemen, or others, and that of lodgers who have claimed, or who were on the preceding registers.

"June 30.—The Registrar will publish his first list of persons entitled to vote. This list will be a street list, showing in consecutive numbers the tenements and each inhabitant of them entitled in any capacity to vote, including such lodgers as he finds to have good claims, or where they have been on the previous Register, to be still entitled. The list for each street should be exhibited, if possible, in some conspicuous place in that street, otherwise at the nearest police station or post office.

"Between this date and July 31 the public will be occupied in examining and testing this list.

"July 31.—

"July 31.—Notices of objections, setting forth the grounds of objections to persons inserted on Registrar's first list, and claims in respect of persons omitted from that list to be delivered to the Registrar. This list will be published as soon after as possible. The list of objections and claims will be arranged in streets, and published in the same manner as the first list.

"Between this date and August 31 the Registrar and his staff will be occupied in investigating these objections and claims, having first served on each voter objected to notice of objection within one week of its being delivered to him.

"August 31.—At this date the Registrar will publish the list of objections and claims, with an entry opposite to each, showing whether the vote is allowed or disallowed by him. When a vote is objected to, and the objection can be cured by amendment, the amendment should be shown, and the vote allowed, subject to such amendment. When a disputed claim may be amended, the amendment should likewise be shown, and the claim allowed. This list should likewise contain the names of the lodgers whose claims the Registrar has rejected, and lodgers on the last Register who have ceased to be entitled, and he should enter opposite to them 'disallowed.' The list should further contain the names of all persons, whom, upon subsequent investigation, the Registrar thinks it right to insert or omit as corrections on his first list. When the Registrar purposes to omit a name included in his first list, he must serve notice of such intention upon the person, stating the ground of omission.

"This list should be made out as a street list, including all classes of objections and claims in the order of houses.

"This list will be published as directed before. When it has been examined by the public, any person may, within a fortnight, give notice to the Registrar, stating whether he means to persist in objections or claims disallowed. Persons who may also give notice that they intend to oppose claims or to resist objections which have been allowed, or that they intend to object to names which the Registrar proposes to insert or to omit from the first list. These notices may be in the simplest form, such as, 'I give notice that I intend to object to the vote of A. B., or the claim of C. D., or the insertion of the name of E. F. by the Registrar.' In all such cases the objector shall lodge 5 *s.* as a security of costs with each objection in the hands of the Registrar, and the Registrar shall serve the objection on the person objected to. So, also, when the objection has been allowed, the person objected to may serve notice that he intends to sustain his vote, or when a claim has been disallowed, or the Registrar proposes to omit a name from the first list, the party may give notice that he intends to appear before the Revising Barrister to support his title. Where no notice is given to the Registrar to dispute his decision, it will be taken as final.

"September 15.—At this date the notices last described to be sent in to the Registrar.

"September 20.—The final list of disputed cases to be heard before the Revising Barrister will be published in the same manner as the former lists, and personal notices will be served upon the persons whose votes are to be disputed.

"The proposed method of dealing with the claims and objections, and also the insertions and omissions proposed by the Registrar, will be explained by the annexed Tables.

"(A.)

"List of Claims and Objections published 31 July.

"*Brick-street.*

No. of House.	Name.	Qualification.	Memorandum of Registrar.
2.	John Johnson -	Occupier; objected to by A. B.	
17.	Thomas Green -	Claim as occupier.	
21.	David Roberts -	Lodger; objected to by C. D.	
64.	William Green -	Occupier; claims to amend as successive occupier.	
71.	James Jones -	Freeman; objected to by E. F.	
75.	William Jones -	Occupier; objected to by D. E.	

"(B.)

"List of Claims and Objections Revised by Registrar 31 August.

"*Brick-street.*

No. of House.	Name.	Qualification.	Memorandum of Registrar.
2.	John Johnson -	Occupier; objected to by A. B.	Vote disallowed.
17.	Thomas Green -	Claim as occupier - - -	Vote allowed.
21.	David Roberts -	Lodger; objected to by C. D.	Vote allowed (Christian name "Thomas").
64.	William Green -	Occupier; claim to amend as successive occupier.	Vote allowed.
71.	James Jones -	Freeman; objected to by E. F.	Vote disallowed.
75.	William Jones -	Occupier; objected to by D. E.	Vote allowed (proper number of house "76").
77.	John Brown -	Lodger claim - - - -	Disallowed by Registrar.
80.	John Robinson -	Occupier - - - -	Name to be inserted by Registrar.
87.	Thomas Simpson	Lodger - - - -	Name to be omitted by Registrar.
91.	John Thompson	Occupier - - - -	Name to be omitted by Registrar.

"(C.)

"Final List of Cases to be heard before Revising Barrister on 15th day of September.

"*Brick-street.*

No. of House.	Name.	Qualification.	Memorandum of Registrar.
2.	John Johnson -	Occupier; objected to by A. B.	Vote disallowed.
17.	Thomas Green -	Claim as occupier objected to by C. D.	Vote allowed.
21.	David Roberts -	Lodger; objected to by C. D.	Vote allowed (Christian name "Thomas").
77.	John Brown -	Lodger claim - - - -	Disallowed by Registrar.
80.	John Robinson -	Objected to by E. F. - -	Name to be inserted by Registrar.
91.	John Thompson	Occupier - - - -	Name to be omitted by Registrar.

"When the Revising Court sits, the original list will be taken street by street, all the corrections proposed and allowed by the Registrar, and not disputed, will be first made, and then the litigated cases will be gone into. One great advantage of the street lists will be that every one will know when his street will come on, and the whole of the voters whose votes are disputed in the same street may be prepared to attend at once; in the alphabetical arrangement the persons are distributed all over the town.

"In adjudicating upon the disputed cases, the Revising Barrister will take the evidence of the Registrar as to the grounds upon which he has acted, and in the case of objections, if he is satisfied with the evidence of the Registrar, he might sustain the vote, even in the absence of the voter, and so remove in clear cases the existing hardship of the exclusion of a voter with a perfectly good qualification, owing to his accidental absence. In such cases, of course, no costs would be allowed. In all other cases, where the objector fails to prove his objection, the voter will have his costs, as of right.

"The powers of amendment given to the Revising Barrister seem in many cases to have been too narrowly construed. Your Committee are of opinion that these powers of amendment should be extended, and that the Barrister should amend in all cases where the title to the franchise is substantially good, and he is satisfied that the proper parties have had sufficient notice.

"Your Committee are further of opinion that the Revising Barrister, at the conclusion of each revision, should make a report to the Poor Law Board or the Home Office of the number of claims and objections which came before him for adjudication, and of his opinion as to the manner in which the list had been prepared. It would be well also that such report should give an analysis of the constituency, showing the population, the number of assessable premises, of male occupiers, the number of persons who are placed on the register, and of those omitted, showing the numbers omitted for different causes, such as insufficient

insufficient residence, non-payment of rates, receipt of parochial relief, &c., &c. Such a Report would afford a supply of valuable annual statistics as to operation both of the franchise and the registration laws. The heads of such a Report might, with appropriate forms, be presented by the Home Office. Where numerous errors had been made by the Registrar in his judgment on claims and objections, the Report would call attention to such facts. Such a Report would be an encouragement to the careful preparation of the Registration List, and would afford a check to any abuses to which the system is liable. The Poor Law Board should have power to remove the Registrar upon being satisfied that his negligence or misconduct.

"(42.) Your Committee have not thought it necessary to deal at large with the existing constitution of the Revising Courts. They are, however, not of opinion that these courts, as at present conducted, have been satisfactory to the constituencies. As might be expected, they have been very various in their merits; but there appears to be a general complaint that there is a want of uniformity and consistency in their action and decisions. To what extent these complaints are well founded your Committee could not decide without entering upon an inquiry of a difficult and invidious character. Your Committee offer no opinion as to the cause of these admitted defects, whether they arise more from the fault of the law or of its administration. It was the less necessary to do so because it is anticipated that the plan recommended in this Report will have the effect of greatly diminishing the bulk of the work of the Revising Court, and of leaving to the barrister only the decision of important issues of fact, and the settlement for the decision of the Court of Common Pleas of disputed cases of law. With a competent and experienced Registrar, after the lapse of some years, the Revising Court ought to have little or nothing to do. Your Committee think it premature, therefore, before the effect of the proposed change is ascertained by experience, to recommend any fundamental change in the system of the Revising Court.

"(44.) There are, however, some partial alterations of the present system which appear to your Committee to be advisable.

"At present there is no right, on the part of the claimant or objector, to an appeal, the allowance or disallowance of which is at the discretion of the barrister. Both on general principles, and also because in some instances it has been shown that substantial injury has occurred, your Committee are of opinion that an appeal in all matters of law to the Court of Common Pleas should be allowed, as of right, in cases where a proper security for costs is given. If the barrister shall decide that the question at issue is not one of law but of fact, parties dissatisfied with such decision should have the right to move the Court of Common Pleas, upon proper affidavits, to call upon the barrister to state a case.

"(45.) Your Committee think, further, that in order to secure greater uniformity of action, it is desirable that the body of revising barristers should be placed under some controlling authority, which should have power to issue rules and regulations for their conduct. At present the important functions exercised by the revising barristers are confided to persons often not of long experience, without any guidance or control, acting without restriction on their own independent authority. Your Committee think the Court of Common Pleas would be the most suitable body in which to invest the control of the revising barristers, and that they should for the future be regarded as officers acting under the authority of the Court, and subject to its directions. The Court would then have power to define their duties and the manner of their performance, and also to apportion such changes in their numbers and districts as might be from time to time expedient. Mr. L. Temple, a gentleman of 23 years' experience as a revising barrister, also suggests that the appointment of the barrister should take place at such a period of the year as would allow of the Registrar consulting him upon points of difficulty whilst the lists are being prepared, and would admit of voters who are dissatisfied with the conduct of the Registrar in the preparation of the lists to request the directions of the barrister. By such a course the decision of many questions, which would otherwise have to be carried into the Revising Court, would be disposed of by anticipation.

"(46.) Your Committee are further of opinion that the present system of appointment of revising barristers might be advantageously altered. They are of opinion that an appointment conferred by the judges collectively, or, perhaps, by the Court of Common Pleas as a body, would inspire more confidence than the present system seems to command.

"(47.) Your Committee have not considered it any part of their duty to discuss the basis of the franchise, but to provide a machinery which shall give an accurate list of voters, under whatever franchise may be by law established. It will be seen that the plan they have recommended will be equally applicable, whether the franchise continues to be based upon, or should be wholly severed from, a rating qualification. As the plan recommended by your Committee contemplates a Register formed by a distinct and independent investigation and survey of persons who are entitled to vote, the Rate Book does not form a necessary element of the system, though under the present law it is necessarily consulted for the purpose of registration. The course generally which your Committee desire that the Registrar shall pursue is that described by Mr. Nicholson as in operation in Scotland, and which (substituting the Rate Book for the Valuation Roll) will equally apply to England: 'Upon many particulars, however necessary in making up the Register of Voters, the Valuation Rolls themselves afford no information, and it can only be obtained through

the exertions of the assessors, or of the persons themselves entitled to be registered, or others acting for them. The assessors by no means restrict their labours to selecting from the Valuation Rolls the names of persons who, *ex facie* thereof, appear to be entitled to the franchise. On the contrary, they employ the knowledge of the burgh and its inhabitants, which their Valuation Act experience (by personal surveys and otherwise) has given them, to secure, for as many as seem fairly entitled to it, the right of voting for Parliamentary representatives.' The passage in which the writer describes the manner in which the lodgers are dealt with has been already cited; and he thus continues: 'A somewhat similar course is taken with regard to sub-tenants, who, however, generally do appear on the Valuation Roll as 'occupiers'; and with regard to joint-proprietors and joint-tenants, who are usually partners of firms, the firm name only appearing on the roll. Again, where a tenant appears from the Valuation Roll in preparation to have entered to his house or other subjects only at the preceding Whitsunday (*i. e.* the Whitsunday of the year in which the list of voters is being made up), the assessor inquires from him whether he had held other subjects within the burgh of sufficient value and for a sufficient time previously. If the party can satisfy the assessor that he had done so, he will be placed on the list under sect. 12 of the Reform Act.'

"(48.) In recommending the principles on which they are of opinion that the system of registration should be reformed, your Committee have not dealt with details which belong to the special province of legislation; but they would point out the great inconvenience which results from having the registration law scattered over different statutes. Your Committee are quite aware that the county system of registration requires as much, possibly more, reformation than even that in boroughs. It is possible that some of the recommendations of this Report may be applicable to counties; but your Committee would recommend that a single consolidated Bill should be introduced without delay, dealing with borough registration.

"(49.) Your Committee, under the special instruction of the House, have considered the question of municipal registration. They are of opinion that it would be desirable to have one Register for Parliamentary and Municipal elections. This, of course, could be at once attained if the qualifications and the dates were made identical in both cases. But even if that course is not adopted, and the difference of residential qualification is still preserved, there is no reason, if the registration dates were assimilated in both cases, why the registration for Parliamentary and Municipal purposes should not be, in fact, prepared by the same machinery and under the same authority. By combining the work in the same hands expense would be saved; and your Committee are of opinion that the cost of the plan they recommend may, under proper management, impose no heavier burden on the community than the present system, though attended by results far more satisfactory. Though the process may be at first somewhat tedious and troublesome, when an accurate register is once obtained, and the staff is trained to its work, the labour of keeping it in order will be comparatively light, and it will become from year to year more and more easy in its operation and perfect in its results. The Registrar and the constituency, working together for a common end on principles which will year by year become better understood, will learn to assist each other by various means which experience will suggest. Your Committee hope that under such a plan the end contemplated by the law will be accomplished, and persons entitled to the franchise will be enabled to exercise their suffrage without that vexation and expense which attends the present system of registration."

Motion made, and Question, That the Draft Report proposed by the Chairman be now read a second time, paragraph by paragraph,—put, and *agreed to.*

Paragraphs 1—20, read, and *postponed.*

Paragraph 21.—Amendment proposed at the end of the paragraph to insert the words:—"It might be provided that in boroughs comprising more than one union the Poor Law Board should have authority to appoint one of those assessment authorities to have control and superintendence for the purposes of registration over the rest"—(The *Chairman*).—Question put, That those words be there added.—The Committee divided.

Ayes, 6.	Noes, 3.
Mr. Morley.	Viscount Sandon.
Mr. Candlish.	Mr. Bourke.
Sir W. Dilke.	Mr. Collins.
Mr. Lefevre.	
Mr. Rathbone.	
Mr. Hodgkinson.	

Paragraph, as amended, *agreed to.*

The Committee deliberated.

[Adjourned till Friday next, at Three o'clock.

Friday, 2nd July 1869.

MEMBERS PRESENT:

Mr. VERNON HARCOURT, in the Chair.

Mr. Morley.	Sir W. Dilke.
Mr. Staveley Hill.	Mr. Candlish.
Mr. Lefevre.	Mr. Collins.

Postponed Paragraphs considered.

Paragraph 1, *agreed to.*

Paragraphs 2 to 4, amended, and *agreed to.*

Paragraphs 5 to 8, *agreed to.*

Paragraphs 9 to 10, amended, and *agreed to.*

Paragraph 11, *agreed to.*

Paragraphs 12, 13, 14, amended, and *agreed to.*

Paragraph 15, *agreed to.*

Paragraph 16, amended, and *agreed to.*

Paragraph 17, *agreed to.*

Paragraphs 18, 19, and 20, amended, and *agreed to.*

Paragraphs 22 and 23, *agreed to.*

Paragraphs 24 to 28, amended, and *agreed to.*

Paragraph 29, *agreed to.*

Paragraphs 30 to 37, amended, and *agreed to.*

Paragraphs 38 to 41, *agreed to.*

Paragraph 42, amended, and *agreed to.*

Paragraphs 43 and 44, *agreed to.*

Paragraphs 45 and 46, amended, and *agreed to.*

Paragraphs 47, 48, and 49, *agreed to.*

Question, "That this Report, as amended, be the Report of the Committee to the House,"—put, and *agreed to.*

Ordered, To Report, together with the Minutes of Evidence and an Appendix.

EXPENSES OF WITNESSES.

Name of Witness.	Profession or Condition.	From whence Summoned.	Number of Days Absent from Home, under Orders of Committee.	Expenses of Journey to London and back.	Allowance during Absence from Home.	Total Expenses allowed to Witness.
				£. s. d.	£. s. d.	£. s. d.
Francis Archer	Solicitor	Liverpool	3	3 4 –	6 6 –	9 10 –
Robert Hawkins	Solicitor	Oxford	2	1 2 6	4 4 –	5 6 6
Henry Hawkes	Solicitor	Birmingham	2	1 18 –	4 4 –	6 2 –
George Baker	Merchant	Birmingham	2	1 18 –	2 2 –	4 – –
John H. Murrell	Merchant	Hartlepool	3	4 4 –	3 3 –	7 7 –
J. R. Proctor	Tanner	North Shields	3	4 12 6	3 3 –	7 15 6
John Followes	Tradesman	Stafford	2	2 6 –	1 10 –	3 16 –
Thomas Fenwick Hedley	Land Surveyor	Sunderland	6	5 8 –	12 12 –	18 – –
Edmund Taylor	Merchant	Liverpool	3	3 4 –	3 3 –	6 7 –
Sydney Mitchell	Solicitor	Birmingham	2	1 18 –	4 4 –	6 2 –
Henry Lamfen	Solicitor	Leeds	3	3 – –	6 6 –	9 6 –
James Donaldson	Land Surveyor	Glasgow	3	3 3 –	3 3 –	6 6 –
					Total £.	89 18 –

MINUTES OF EVIDENCE.

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MINUTES OF EVIDENCE.

Tuesday, 20th April 1869.

MEMBERS PRESENT:

Mr. Bourke.
Mr. Candlish.
Mr. Collins.
Mr. Dilke.
Mr. Goldney.
Mr. Harcourt.
Mr. Hodgkinson.
Mr. Lefevre.
Mr. Morley.
Sir Stafford Northcote.
Mr. Pemberton.
Mr. Rathbone.
Viscount Sandon.
Mr. Wheelhouse.

W. VERNON HARCOURT, Esq., IN THE CHAIR.

Mr. FRANCIS ARCHER, called in; and Examined.

1. *Chairman.*] YOU are a Solicitor at Liverpool, and Secretary of the Liverpool Liberal Association?—I am.

2. Your Liverpool register is made out in six different districts?—Five districts, and the freemen's list.

3. That is to say, one for the parish, one for the township of Everton, one for the township of Kirkdale, one for the township of West Derby, and one for the township of Toxteth Park?—Yes.

4. And besides that, there is a freemen's list?—Yes.

5. Are there four sets of overseers and a paid assistant overseer for each district?—In the parish, I believe, there is a superintendent, and in each of the outer districts there is a paid assistant overseer.

6. Having a paid overseer at Liverpool, I understand that on the whole the work is pretty well done, is it not?—Yes, on the whole, it is better done than in many places.

7. You have, in fact, a paid overseer who understands a good deal about the business he has to do in forming the lists for the register?—Yes, he has great experience in that. The paid overseers sit in the revision court every year, below the barrister, to answer questions, and they gain a great deal of knowledge in that way.

8. In spite of that, however, do you find that the lists as made out by the overseers, to form the basis of the register, are still very imperfect documents?—Yes, I may say they are very imperfect documents.

9. In former days, that is, before the last Reform Act, the system of compounding existed in Liverpool very generally?—The system of compounding was practised in Liverpool, but without any local Act authorising it.

10. In fact, the landlord did pay the rates for the tenants, and practically got an allowance, although not legally entitled to it?—Yes.

11. As a result of that, while the system of compounding existed, were the names of the occupiers very imperfectly entered in the occupiers' column?—They were usually not entered at all, for all houses in respect of which the compounding was practised.

12. Did that form a large proportion of the houses in Liverpool of the poorer class?—Yes, it formed a very large proportion of the poorer houses in Liverpool; and a considerable portion of those above the 10 *l.* line.

13. As a matter of convenience, the rate was paid by the landlord; and do I rightly understand you to say that when that was the case the rate collectors and the overseers were comparatively indifferent to entering the name of the occupier in the occupiers' column of the rate-book?—In some districts of the town they never thought of entering them at all.

14. There would be no object, as far as the overseer or the rate collector was concerned, in making such an entry, as long as he got the rate from the landlord?—Except for the purposes of the franchise. There would be no economical reason.

15. That is to say, the owner might reside in one part of the borough and pay all the rates for a whole street in another part?—He usually did.

16. That being so, the overseer had no occasion to go to the street at all, had he?—No.

17. He getting the rate from the owner, who lived elsewhere?—That is so.

18. I understand you to say that in Liverpool, not by law, but in fact and by agreement, this extended to houses even above 10 *l.*?—Certainly; to some houses of over 15 *l.*

19. You are aware, probably, that the rate would

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would have been invalid in consequence of the occupiers name not being entered; but is it the fact, that although that was so, the rate collectors were quite satisfied to get the rate from the landlord?—They were quite satisfied to do it in that way. I, perhaps, may mention that on one occasion, in order to preserve the franchise for those tenants who were in that manner disfranchised by compounding, the auditor was asked to surcharge the overseers with the difference between the full rate and the compound rate, and he did surcharge them with that difference. Then they applied to the Poor Law Board, and the Poor Law Board said they had acted perfectly right as far as money matters went, and they remitted the surcharge.

20. As long as the system of compounding continued, the occupiers' column of the rate-book would have furnished no proper and sufficient information for making out the register?—Certainly not.

21. And supposing, for the present, that the system of compounding were restored, is it your opinion that the occupiers' column would furnish now a proper list of the occupiers who ought to be on the register?—By the New Reform Act they are bound to put the occupiers' name on the list, but my opinion is, after two or three years, when they found that no one interfered, they would get into the habit of not making a proper survey for that purpose, and, ultimately, it would become unfit for the purpose of making out the register.

22. You are probably aware that before the last Reform Act the overseers were bound both by statute and by the orders of the Poor Law Board to put the occupiers' name in the occupiers' column?—I had forgotten that that was the law.

23. If that was the law, it was not in fact observed?—It was not in fact observed; I should mention, in order that there may be no misunderstanding, that the "Small Tenements Rating Act" had been adopted in one part of the town, which applied to houses under 6 *l.*, but that did not affect the old franchise.

24. Mr. *Rathbone.*] There are very few of those houses?—A very small proportion.

25. Mr. *Dilke.*] Very few houses under 10 *l.*?—There are thousands, but the proportion is small.

26. What was the addition to your register by the Reform Act, including lodgers?—It was increased from 21,851 to 39,645.

27. *Chairman.*] I hold in my hand a memorandum from the Poor Law Board, as to the duty of the overseers to copy the names in the rate-book, which I will read, and it will be put in as a separate document. (*The Chairman read the memorandum.*) These were the statutable enactments which ordered the overseers to insert the name of the occupier in the rate-book, and subjected him to penalties if he did not; but I understand you to say that while the system of compounding existed, they did not in fact do so?—No, that was a dead letter altogether.

28. And according to your experience, do you believe that so long as the overseers can and do get the money from the owners, they will probably be very indifferent as to entering the name?—I think there will be great danger of their omitting them unless they are constantly kept up to their work by the force of public opinion, which has not hitherto been the case.

29. Then assuming any number of the occupiers whose rates are paid by the owners to be omitted from the occupiers' column, they cannot get on the register, although the rate is paid for them by the landlord, because they are not rated?—That is a matter of law; I believe it is so.

30. The Reform Act of 1832, and the Reform Act of 1867, both require not only that the rate shall be paid, but that the occupier shall be rated?—I believe that is so.

31–2. I ask you, upon the hypothesis of compounding being restored, is there in Liverpool a very strong feeling in favour of the restoration of the compounding system of rating?—Yes, certainly. In some districts of the town at the last election the question of the compounding was second only to that of the Irish Church, if second.

33. I mean, is the feeling of the hardship upon the occupier of being rated and compelled to pay his own rate very strong in Liverpool?—Yes. The new system has caused a great deal of distress in the poorer parts of the town. There is a very strong feeling, indeed, about it.

34. The difficulty in the way of restoring the system of compounding is this, is it not: that if you restore the system of compounding you will, practically speaking, according to your experience, destroy the value of the occupiers' column as a basis of the register?—Yes; I am afraid that would be so.

35. Therefore, you cannot gain the economical advantage of the system of compounding without entailing the political disadvantage of omitting the names of the occupiers from the rate-book?—No.

36. The political disadvantage would be the consequence of gaining the economical advantage?—Yes.

37. In spite of the Act of 1867 ordering the rate to be levied on the occupier, is it the fact that compounding does go on now at Liverpool?—I should not like to say that. The rates are, in a great measure, collected from the landlords, and I believe a system is beginning which will practically come back to the compounding system, only with very great evils attached to it as regards political matters. I believe that what is beginning to be done is this: there is a row of houses; some of them will be empty in the course of the year, and the rest will be full. The collectors, to save themselves trouble, have a tendency to say to the landlord, "How many of your houses are empty?" The landlord may say that out of seven there are three empty. Then the collector may say, "If you pay the full rate on the four houses, we will let you off for the empties."

38. That is, practically, that they give him a discount as under the old system. Are these actually empty houses, or is this rather an hypothesis of empty houses?—No doubt they may be empty at that time, but perhaps before the 31st of July they would have occupants.

39. You are probably aware that there are provisions both in the first Reform Act, I think, and certainly in the last, by which a person whose name is omitted from the rate-book can claim to be rated. As regards the poorer class of voters, do you think that they will take advantage of those provisions?—No, not 5 per cent. of them.

40. Therefore,

40. Therefore, practically, the clauses which give a man the power to claim to be rated, so as to cure the defect of the rate-book, are such as the poorer classes of voters will never really avail themselves of?—Very seldom indeed, I think.

41. I suppose if it was done at all, it would be done, through the instrumentality of political registration associations?—Certainly.

42. No occupier of the smaller class of houses would ever come of his own accord, and claim to have his name put on the rate-book?—No, they are not likely to know anything about it.

43. And besides that, you are probably aware that the condition of having his name put on the rate-book, is that he shall pay the rate, and all rates which are previously due upon the house?—Within a limited time back.

44. I mean that he might have to pay the arrears of a preceding tenant?—Certainly.

45. Is that a course which the humbler class of tenants would adopt?—They would never adopt it.

46. I will pass from that to another point. In your judgment, from your large experience of registration, do you think it would be a good thing to make the original list, which we now call the overseer's list, in the form of a street list?—It seems to me that that would be a great improvement.

47. Would it facilitate the inquiry on the part of anybody who wished to ascertain the correctness of that list, if the list were a street list, so that as you went from door to door you would find the names in the order of occupancy?—It would be a great facility for registration agents, but I do not know that the individual occupier who wanted to know if his name was properly inserted would find it so easily as in an alphabetical list.

48. First of all, with reference to making objections or claims for any person interested in the inquiry, would the street list be most convenient?—Yes, very much more.

49. Is it not the fact that when you come to canvass a borough, the first thing you have to do is to turn the overseers' list into a street list?—Yes.

50. Then, of course, the rate-book is in itself a street list, so far as it is correct?—Yes.

51. You have originally a street list; that is, turned into an alphabetical list, and you have to turn it back into a street list?—Yes.

52. Does that take much time and cause a great deal of expense?—Yes.

53. Therefore, as far as you are concerned, and as far as your business consists in correcting the register, the form of the street list would be most convenient?—A great deal more convenient.

54. As regards the voters' examination of the list, it would be more convenient to him to have the alphebetical list; but, supposing the list to be published on the church door or elsewhere, would not the occupier find it easily?—Yes.

55. If the streets were arranged alphabetically, if he lived at No. 6, Albion-street, would he not look for that, and see if his name were there?—He might have moved to another street, and then he would not know to which street to look; that would not occur in many cases.

56. Mr. *Dilke.*] It occurs now in removing from one polling district to another, which is very common?—Yes.

57. *Chairman.*] You prefer a street list to an alphabetical list for the purposes of registration?—I think so, very much.

58. I understand you to say that for persons who wished to survey the town and correct the register, the street list is the best thing?—Yes.

59. You stated that in some respects an alphabetical list would be more easy of reference for the voter?—For the voter; I think so, a little; still he ought to have no difficulty in finding his name in the street list.

60. There would be some advantage in a street list, that all the people in a street would see how many of their neighbours were on the register, and people living together would be brought together upon the list?—Yes.

61. I am asking you these questions on the subject of a street list with reference to the original overseer's list?—I perfectly understand that; I think the street list has many advantages.

62. On the balance you think that, with a view to making a correct register, the original list ought to be a street list?—I do.

63. In Liverpool, I understand you to say, practically speaking, that by reason of your having paid overseers, the original list is pretty well made out?—Yes, compared with other towns, I believe it is very well made out; I have been told so. The revising barrister almost always makes a point of saying so.

64. It contrasts favourably with other towns?—Yes.

65. At present, as you are aware, after the publication of the original list, persons are entitled to make objections, and also to make claims?—Yes.

66. Is it not the fact that a great number of objections are made, which objections are founded upon incorrect descriptions of the qualification?—Yes; such as mistakes in the number of the house, and mis-spellings in the name of a street.

67. Those are things which can be amended by the revising barrister?—I believe a revising barrister has the power even now, but some of them do not consider they have it.

68. But he having the power to amend, it is necessary that, if there be any error in the name or number, the voter should go to the revising court to get the amendment made?—Yes, because if he does not the voter would be struck off the list.

69. There are other classes of objections which cannot be amended, as, for instance, if a man has successively occupied two houses, and is entered only for one house, the revising barrister cannot amend that?—No.

70. The only way to amend that is by making a new claim, to have his qualification entered as of the two houses?—Yes.

71. Does it not now take place that a man's attention is for the first time called by the objection to the defect in the description of his qualification, and that as the claims are issued simultaneously, he has no means of correcting them by a claim to amend?—The 25th of August is the last day for objections; practically, all the objections are issued on the last day, or last day but one; there may be 24 hours to correct it by a claim, but that is a mere chance.

72. As a fact, the people who wish to serve their objections, do serve them as late as they dare?—Yes; for that reason, among others.

73. For the purpose of remedying defects in description which are capable of being remedied, you

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you think it would be a good plan that the claims should be served subsequently to the objection?—So as to give an opportunity for them to correct it by a claim.

74. Do you think that would be a good plan?—I think it would be a very good plan.

75. Would that enable a great number of merely formal errors to be corrected, and so save the persons whose qualifications were misdescribed from the trouble of coming to the Registration Court?—Yes; and the knowledge that they may be so corrected, would prevent a great many objections from being made.

76. At present, you are aware that in boroughs the objection need not state the nature of the objection?—It need not.

77. In the county registration, they are called upon to state the character of the objection?—To state the column of the register.

78. But in boroughs they are not called upon to state it?—No.

79. Therefore, a man does not know whether the objection is to his not having paid his rates, or not having resided sufficiently, or the character of the objection at all?—He is quite in the dark till he comes into court.

80. Do you think it would be a proper thing that all objections should state their character?—Certainly; and more specifically than is done in the counties.

81. That is to say, if the objection is for want of residence, a man should say, "I object to your vote, because you have not resided a sufficient time"?—I think so.

82. Or, if the objection is because of the non-payment of rates, "I object, because you have not paid your rates"?—Yes.

83. With reference to lodgers, I believe that is a matter of which you are not very cognisant at Liverpool?—The lodger franchise at Liverpool has not been very productive. There are very few lodgers compared with other places. I would rather not give evidence on that subject.

84. When people make claims at present, there are no notices of objection given to those claimants till they appear in the revising court?—No; none.

85. The consequence is, that every man who makes a claim, whether it be a claim to be put on the overseer's list, or whether it be a claim to amend the qualification as stated in the overseer's list, must appear at the revising court?—Yes; he must come there.

86. A good many of those claims, especially if the overseer's list is originally imperfect, may be perfectly valid claims, which the moment they are stated will be known to be good. Do not you think that a person who makes a claim entirely unobjectionable in its nature ought to have some notice of the objections which are to be made to it?—A great many claims which are now made are void. The people are not entitled to the votes that they claim.

87. That I quite understand; then, of course, they would be objected to. But assuming a claim, for instance, to amend in case of successive occupation; supposing a man had lived in Albion-street for six months, and in Brick-street for 12 months previously, and that he claims to amend by inserting the other occupation, do not you think he ought to be allowed to have some notice of the objection?—Yes, I think so; in that case, he is entitled to notice of the objection.

88. If the objecting party should say, "I admit that, although your first qualification was imperfect, your claim to amend has satisfied me, and I no longer object," in that case you would relieve the man from coming to court?—Certainly, if no objection were made.

89. I suppose that whether or not a claim were to be presumed *primâ facie* to be bad or not, would depend very much on the correctness of the original overseer's list. If you had a very good list, you would presume against the claim; but if you had a very bad list, there would be no presumption against the claim?—The presumption ought to be, if there is a really good overseer's list, that anybody not on was not entitled to be on.

90. Has the evil of the system of sowing objections broadcast been very strongly felt in Liverpool?—Very.

91. Will you tell us what has been the character of the objections made in that constituency?—In some years I believe no frivolous objections have been intentionally made, but last year I should say at least 2,500 absolutely frivolous objections were made.

92. Were those objections made on the calculation that a certain per-centage would be struck off from people not attending?—I did not make them, and therefore I do not know; but I believe that was the intention.

93. I do not want you to speak with reference to any particular side; but is it the fact, on both sides in a registration, that it is a well-understood calculation that of a certain number of objections a certain per-centage will prevail in consequence of their not attending?—Yes; in ordinary years a very large per-centage.

94. When there is no political contest immediately impending, a large per-centage of objections will prevail simply from people not coming?—Exactly.

95. Is there a strong feeling in Liverpool of the necessity of devising some plan to prevent the system of sowing objections broadcast?—Yes.

96. Is that without distinction of party; do respectable people on both sides wish the system to be stopped?—Everybody is quite tired of the present state of things; they struggle against it, but the temptation is too great.

97. One side does it, and the other side cannot help doing it?—They retaliate.

98. Is it the fact at present that the more objections people make the better their party are likely to stand on the register?—Yes.

99. You have said that under the pressure of strong political contests more people will take the trouble to attend than at other times?—Yes, and the barristers, when they know an election will be fought upon the register they are revising, are freer in giving costs, and therefore the people will come.

100. What would you suggest as being the best method of taking precautions against unfounded objections being made?—There are two plans that have suggested themselves to us; one is that the *onus* of proving that the voter is not entitled to be on the register should be thrown on the objecting party.

101. At present the process is that if a vote is objected to, the claimant must prove his title?—Yes; anybody can object to the whole list of voters, and every one of those objected to must come to court to prove his right to be on the list.

102. That is to say, that in a town like Liverpool

ol one man may object to every person on the erseer's list?—Yes, 40,000 of them.

103. At present one person can put 40,000 ople to the trouble and inconvenience of coming prove their qualification?—Yes, at the cost of *l.* for each one.

104. It costs him about fourpence each?—es, threepence for the stamp and a penny for e paper.

105. You are aware that in boroughs it is fferent from what it is in counties; there is no ligation in the revising barrister to give costs?—There is none.

106. Are you aware that it is frequently an rangement made between agents, that if one le will not ask for costs the other will not?—hat is not so in Liverpool; but the revising rrister there always makes this rule, that if he is to put his pen to paper for any purpose, he ll not grant costs; and if a man wants his case be taken out of turn, if he is in a hurry, and ys, "Can you take my case?" the revising rrister will say, "I will take it, but by coming t of your turn you forego your right to costs."

107. So that, practically speaking, a great mber of people do come up whose claim is perctly good, and who do not get their costs?—es; in 1867 only four half-crowns were levied, though there were a great number of cases in nich costs ought to have been given.

108. Only one half-crown was paid in the whole Liverpool as costs?—That is all.

109. Then, I understand you think that when man takes upon himself the responsibility object to a person's vote, he ought to satisfy e revising barrister that he has some *primâ facie* ason at all events for making the objection?—es, before the voter is called upon.

110. You understand I only say a *primâ facie* ason?—Yes.

111. He should, as we say in law, start the case?—I should be inclined to go further, and provide at no objection should be issued at all until some nd of proof has been made before the revising arrister at a preliminary sitting, that there was me ground of objection; following the analogy magistrate's summons, I would have some ficer countersign the objection before it issues.

112. There would be a difficulty about that. he revising barrister must have an extra sitting; ould not that be practically having two hearings stead of one?—It would very much decrease ie number of objections, and would shorten the nal sitting; sometimes a great number of objecons will depend upon a question of law, such as hether the qualification is properly stated in the gister, and the revising barrister might thus spose of a couple of hundred cases without any ouble to the voter by this preliminary investiation.

113. Would you desire to make it obligatory the revising barrister to give costs?—A minium of costs, with power to increase it.

114. What would you think for a place like iverpool, would be a fair minimum of costs to man whose name was objected to?—The day's ages of a working man; 5 *s.* we will say.

115. You probably have only an acquaintance ith one revising court; can you say whether ou think under the working of the present sysm, the power of the revising barrister to amend ught to be enlarged?—I think it ought to be ore clearly understood by them; it appears at some of them think that they have no power to amend in cases where others say they have.

116. There is a great variety of practice?—Yes.

117. Some will amend a number in a street, and some will not?—Yes; I might say they should not have the power to introduce totally distinct qualifications, to introduce an absolutely new qualification.

118. Do you think it would be a fair thing to give the revising barrister power to amend the claim or the objection, wherever he thinks that substantial justice is done in respect of notice to the party to whom notice ought to have been given?—Yes; the decision of the judges and the barristers have made the present system highly technical, and very difficult to manage.

119. For instance, there were a number of objections taken, were there not, by one of your professional objectors; there are such people as professional objectors?—Yes.

120. Did they fail in consequence of the objecting party having changed his residence?—Yes, that was the ground.

121. That is to say, he had resided in one place and he changed his residence, and the objections were entered as issuing from his former residence?—Yes.

122. All the objections fell to the ground on that account?—Yes.

123. That would be a thing, I suppose, that you think might be within the power of amendment?—Yes, I think that ought to be within the power of amendment.

124. What is your opinion on the subject of making a preliminary payment into court a condition of making an objection?—I should not say it was necessary as regards Liverpool; the barrister will not hear the next objection by the same objector till the costs awarded in the previous case have been actually paid to the man in the court.

125. Does not that depend upon all the objections being made by one professional objector?—In Liverpool they always are.

126. Supposing 500 people were employed to make objections instead of one, that security would fail, would it not?—Yes.

127. Do you think it would be a good thing to have some central superior authority over the revising barrister, to make general rules for the conduct of business, and the principles upon which they should proceed?—I think that is very necessary; revising barristers seem to follow their own inclinations very much.

128. There should be rules made, you think, in the same way as the Court of Common Pleas has made rules with regard to the trial of election petitions?—Yes, I think that is very necessary.

129. Then, they could give instructions as to when courts should be held, and at what hours, and exercise an authority over revising barristers which does not exist at present?—Yes.

130. The present rule, you are aware, is, that the overseer's list is to be published on the 1st of August of persons who are qualified on the 31st of July. Is that a thing that is practicable or possible?—It is impossible on the face of it.

131. You are probably of opinion that, at all events, some change should be made in that respect?—Certainly.

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132. There is no use in calling upon overseers to do a thing which is impossible?—No.

133-4. The date at which a person is entitled to vote is now fixed for the 31st of July; do you think it would be a good thing to put the date further back?—That is the only thing you could do, if you want to allow more time for the different processes, and I do not see any objection to it.

135. With regard to weekly tenants, the question of quarterly payments does not arise; but with regard to quarterly tenants, would it be convenient to have the date placed as near as possible to quarter day?—It probably would.

136. I think you have looked at the dates which are suggested in this paper with reference to the alteration of dates (*handing a paper to the Witness*)?—I submitted the lithograph copy you gave me to our registration agent, and one of the paid overseers, the paid overseer for Everton, who is a very admirable officer, and they both agreed that there is no objection to those alterations as suggested.

137. Do you think that the alteration of the dates would be an improvement with respect to giving more time to make the register accurate, and to dispense with the attendance of people at the revising court?—Yes, some such change is absolutely necessary in one or two points. At present, in order that the overseers may get their lists printed by the date specified, they have to work all night at the proofs, and the printers also have to work day and night. There is only one firm of printers in Liverpool or the neighbourhood, who can do the work in the time, and that hurry is the cause of a great many trivial clerical errors that appear in the overseers' list.

138. Is your view generally that some serious change is necessary in the registration law, in order to prevent the evil of compelling working men to attend the revising courts for the purpose of sustaining their right to vote?—Yes; some great change is absolutely necessary in order that they may enjoy the franchise.

139. You do think that under the present system it is possible for men depending on weekly wages to get their votes fairly, without considerable loss and difficulty to themselves?—Not if they are objected to; and generally you may say that changes are wanted before they can be sure of their votes.

140. Mr. *Rathbone.*] You said in speaking of the practice of making wholesale objections, that the temptation was too great to be always resisted; and I understand from that that it is a temptation which you are afraid both sides will occasionally yield to if the law remains as it is?—Yes.

141. And both sides have yielded to it?—Yes.

142. I should like to know whether you consider it a very profitable investment of money if the moral objection could be set aside, to make such objections wholesale in view of an approaching election?—It is well worth the money.

143. It is about the cheapest way in which money can be immorally spent?—Yes.

144. Mr. *Wheelhouse.*] Will you point out to me why you think the original list ought to be a street list. Give me, as far as you can, the main reasons in as terse a form as you can?—In the first place the rate-book is a street list, therefore it is far easier for the overseer to make his published list a street list, and he avoids the danger of making omissions and errors in the numbers, and so on, in that way to a great extent. Well, then, for the purposes of the registration agents, as soon as the overseers' list is published, they make a house to house survey of the names in that street, to ascertain which of them are in their opinion entitled, and which are not entitled, in order that they may make their objections; so they have to take this alphabetical list and throw it into a street list again before they can touch it. If the revising barrister had it in the form of a street list when he came to do his revision, it would be very much simpler for the overseers to answer questions; and in fact if there were a case of doubt, or several cases of doubt in the same neighbourhood, they could send a clerk down to the street in question to satisfy themselves in any way about them. The qualifications would all lie together. Also it would be very much simpler for the registration agents on both sides to bring up the people in the neighbourhood to the court; so for many reasons it seems an advisable change.

145. To set against that, would it not be very much more easy for the individual voter to find his name always upon the alphabetical list, especially in a town like Liverpool?—It might be somewhat easier, but practically, a very small per-centage of the voters ever think of doing anything of the kind.

146. You are speaking of Liverpool?—I think so.

147. *Mr. Lefevre.*] How many separate assessments are there in Liverpool?—There would be five.

148. I mean how many houses separately assessed?—I really cannot tell you; I should not like to fix a number.

149. Referring to the evidence given by Mr. Haggar last year, it was about 40,000?—That would be the parish of Liverpool alone.

150. Of those it is stated that there were 25,000 under 12 *l.*?—Yes.

151. Do you know what the number of voters in Liverpool was then?—In the parish?

152. Yes?—I think it was about 20,000 in the parish.

153. Then not so many as half got upon the list as householders?—No.

154. Before the registration, did you see that the householders' names were on the rate-books or no?—I had nothing to do with that.

155. You did not consider it your duty, as agent for the Liberal Association, to see that the occupiers' names were upon the rate-books?—That was not part of my duties, but we did attend to that; in fact, we knew very well, that in some districts of the town they had not been rated for the 12 months required by law.

156. Did you make claims on behalf of the householders?—Yes; we sent in a number of notices of claims to be registered before the overseers' lists were published, and they then made a special survey of these names, and found that the people were really entitled, and consequently they were placed on the overseers' lists, and after that we made claims besides.

157. I am now referring to the rate-book; did you make these claims in the cases of persons whose landlords paid their rates for them?—Their landlords had paid their rates for them in previous years, but just then I do not know whether any new rate had been levied since the Reform Act of 1867 had come into operation; they were in a transition state. In 1865 they adopted the old Act

t of George the Third, authorising compound-
.

158. That was only up to 6 *l.*?—That was not
y up to 6 *l.* That was the Small Tenements
t.

159. *Chairman.*] How high did the Act of
orge the Third go?—I think it was permissive
to 20 *l.*, but they stopped at 15 *l.*

160. Mr. *Lefevre.*] In point of fact, the system
s in a transition state, and the registration of
t year was hardly a fair test of what the ulti-
te effect of the Reform Act would be?—In
ne respects it was, but in respect of the claims
was not. There were something like 5,000 or
00 claims made, in consequence of being in
t transition state.

161. Did you object to many names on the
ister yourself, because their landlords paid
ir rates, or because they had not paid the rates
mselves?—No; that was not the general nature
the objections; certainly we did not object to
m because their landlord had paid their rates.

162. You did not take that objection?—Neither
e did that.

163. What was the general nature of the ob-
tions?—That people had left, or were reported
be dead, or that there was some error on the
e of the register; some mistake in their num-
r or something of that kind.

164. How many objections did you make
urself?—Nearly 3,000, I think.

165. How many of those did you sustain?—I
uld say about two-thirds; I have not the
tistics with me.

166. Were many sustained from the fact of
e persons objected to not appearing?—Persons
o had left the town, or were dead, of course
uld not appear. The large part of those that
ne were entitled; before they came they had
obably been to the Registration Association on
e other side, and found out whether they were
titled or not.

167. Did many lose their votes because they
uld not attend the court, or did not attend the
urt?—I cannot say how many you see, because
do not know whether they had left the town or
t; we did not make intentionally any frivolous
jections.

168. This was not a case in which frivolous
jections were made?—Of course we were
ed in some cases.

169. I thought you stated that the custom
d grown up to make objections on both sides?
I am bound to say that since 1865, when
e present association was constituted, we have
oided as much as possible objecting to any
mes that had nothing against them.

170. Was that course pursued by the other
le?—Not on the last occasion.

171. What was the number of objections made
the other side?—About double.

172. How many did they succeed in striking
?—I do not want to go into the details of it;
t half their notices were posted too late; we
ed every effort in our power to bring persons
the court, and we did bring them in omnibuses,
d so on.

173. Have you any idea what proportion of
useholders below 10 *l.* came into the list of
ters?—No, I have not.

174. As many as half?—I dare say a very
ge number would.

175. Mr. *Pemberton.*] I think you said you
ought the presumption should be that a man
0.43.

is qualified if his name was on the list?—If a really good overseers' list were secured, the presumption would be that he was qualified if he was on it.

176. I understood you to say, that you thought the onus of proof that he is not, ought to be on the objector?—Yes.

177. Are we to understand that to apply to new claims, or to the list generally?—If the overseer's list is carefully made out the presumption about the claims would be that a man who was not on it was not entitled to be on it, therefore the onus of proof ought to be upon him.

178–9. So far as a new claim is concerned, the onus should be on the claimant to make out his claim?—If you mean by "claimant" a man who has made a formal claim, I think it should, supposing, that is to say, that you have a really good overseer's list.

180. Your observation that an objector ought to make out some *primâ facie* case, and your proposal that there ought to be some preliminary meeting before the barrister, only apply to those cases in which there has been a good overseer's list prepared?—The overseer seldom puts anybody on who is not entitled; he leaves off a good many more who are entitled than he puts on of those who are disentitled; he makes out his list some time before the revising barrister sits, and between that and the 31st of July a good many people have left the town, or died, and so on.

181. You mean that you would take the overseer's list as giving a man a *primâ facie* right?—Yes.

182. You said you thought the barrister ought to be obliged to give costs, and that in many cases he had not given costs where he ought to have done. Did you mean your observation to apply to those cases where the barrister had taken one case before another for the convenience of parties; do you think he ought in that case to give costs?—If a man who is entitled to his vote has come to the court in any way whatever, it is very hard that he should not get costs for it.

183. Did your observation that the barrister ought to have given costs in cases where he did not, apply to cases simply where a man was brought to the court, and for his own convenience his case was taken out of its order?—Of course, if a voter makes an agreement with the barrister that he shall not have his costs if his case is taken out of its turn, there is nothing to be said. Practically it presses very hardly on the better class of people, who come from their offices in order to preserve their votes. The mere coming and going away loses a quantity of valuable time.

184. Is it the case in boroughs that it is necessary where an objection is taken that a voter should come himself?—It is not so in counties. He may prove his case by deputy, but it is very much better to come himself. If he sends a clerk, the clerk has not always the materials for proof, and the vote may be lost in that way.

185. Is it not the case just in the same way in which one man objects to a whole number of voters, that one person will attend in order to defend a certain number of voters?—The revising barrister will look with great jealousy upon a man who is going to prove the qualifications of a whole street.

186–7. Is a voter obliged to attend himself?—He is not absolutely obliged; but it is very desirable that he should.

188. *Chairman.*]

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188. *Chairman.*] Do not revising barristers differ about that; do not some insist upon voters being there, whilst some will take the evidence of other people?—I do not think that any barristers absolutely insist upon the voter being present; but they will not take *any* sort of evidence.

189. Mr. *Pemberton.*] They will take the evidence of some person who says he knows something about the facts?—If they are satisfied that he does know something about the facts.

190. If a gentleman comes and says he knows something about the objection, they will take his evidence without sending for the actual voter himself?—The questions they put are "Have you the authority of the voter to come and prove his qualification on his behalf; did he ask you to come? Do you know this of your own knowledge?" and so on.

191. It is a question of evidence?—Yes.

192. It is not a fact, then, that the voter is obliged to go and attend himself?—I am bound to say that, as a general rule, it comes to that.

193. Mr. *Collins.*] I understood you to say that the system of compounding was creeping into Liverpool?—Yes.

194. Can you give me the name of any particular parish or overseer who has compounded for houses since the new law came into operation?—I should be sorry to do so. I spoke with great caution on the subject. I say I think that it is just beginning to creep in.

195. You cannot give me a single instance?—I certainly shall not give the name of anybody.

196. It is a mere matter of opinion. You think such a habit is likely to creep in?—Only lately I was speaking to one of the largest rent collectors in the town, and he assured me that that was the case; and another person told me a story with respect to seven houses of his own.

197. It is done on the theory of allowance being made for empties, you say?—Yes.

198. I understood you to say that you thought the overseer's list at Liverpool was a well made out list?—Compared with others only.

199. Are you aware that the revising barrister has the power to award 20*s.* costs in every case where he thinks an objection has been improperly made?—Yes.

200. And you think he does not exercise his jurisdiction properly?—I think they are a great deal too tender about costs.

201. You think that *primâ facie* being placed on the register by the overseer ought to entitle a man to costs?—Yes, I do.

202. With reference to a claimant who is not put on by a public official, but who claims for himself, you think he ought to prove his vote?—Yes.

203. What question of law can arise in a borough as to a man's qualification with respect to occupancy?—A question sometimes arises whether a man is an Englishman, and what the proper proof of that is. There are a great many foreigners in Liverpool.

204. *Chairman.*] You remember a celebrated case in which the question was raised as to what constitutes a house?—Yes, but that seldom arises in Liverpool.

205. Mr. *Collins.*] One reason for omission is that the population is very transitory?—Yes; the workmen follow their work from one part of the town to another.

206. The overseer of one parish does not know officially that a man is residing in another pa of Liverpool?—No, you cannot trace them; i the case of common names it is impossible.

207. Can you suggest any means by whic traces can be more easily ascertained an followed than at present?—No, not without grea expense and trouble.

208. You think that it would be difficult with out great expense and trouble to devise any othe scheme for following these people whose qualifi cations are good, in two successive places?—If man is running away from his landlord, of cours he does not leave his address behind him, but i a man cares about his vote, he will give notice t the parish officers that he is removing, and the will note that down.

209. The consequence is that a number o more respectable persons who do not run awa from their landlords, as well as those who do an do not wish to be known, do not appear on th register?—I think so; I think the residenc qualification is most important.

210. If a man changes his residence in Liver pool from one township to another, and acquaint the overseer of the fact, it is the practice of th overseer in the last township to put him on th list?—Yes, but I do not think they take so muc care as they might.

211. But they take some care?—They tak some care.

212. You are aware that points of law are de cided by the court of Common Pleas?—Yes.

213. You are aware I suppose, that if a per son has occupied for six months in one part o the town, and for six months in another part o the town, and the special nature of his othe qualification does not appear, that is a cas which a revising barrister has no power t amend?—Yes.

214. If he had the power to amend would no that be inserting a new qualification on the da of the court sitting? Suppose he had occupie for six months a house at one end of the town and for another six months a house in anothe part of the town, and he came in and said, "It i true I have moved, but I have another qualifica tion;" what means would an objector have o ascertaining the truth of that? Would it no amount to a claim made on the particular day Suppose he said that on the day of the revision would not that amount to a new claim made o the day of revision?—Yes, it would amount to new qualification.

215. And a new claim made on the very da of the sitting of the revising court?—Yes, it is new qualification, no doubt.

216. Therefore such a man would be in a bette position than a person who was compelled to clain on the 25th of July, I mean with reference to th objection; the objector would not have the sam means of ascertaining whether his claim was goo or bad?—That would be so.

217. I suppose you are aware that that cas was raised before the Court of Common Pleas and they decided that it was a new qualification and required to be specifically stated?—I did no know that it had been tried, but I understand th law to be so.

218. With reference to mere inaccuracy o description, I suppose you are aware that th barristers have almost unlimited power of amend ment?—They do not exercise it so freely as they might do.

219. You are aware that they have such power —A

—As I read the Act that is so, but they do not seem to think so; it is section 40.

220. You think they do not exercise their jurisdiction so widely as they might if they followed the wording of the Act?—Just so.

221. That is not the fault of the Act?—No.

222. No amendment of the words of the Act would meet what you say is the wrong mode in which the courts carry out the Act?—I think you could express the powers of the revising barrister much more clearly.

223. How would you express them; as they are expressed; you think the courts do not exercise them so widely as they might?—I should put it in this way; that the barrister should have in general power of amendment, and then I would specify the particular cases in which he should not have the power.

224. With reference to objections, do not you think it reasonable that an objector who takes upon himself to carry out the law should make himself acquainted with what is requisite before he can object? Do you think it unreasonable that he should be required to read the Act of Parliament and see that he follows the words of the statute?—I should be inclined to do something to restrict the power of people who are fond of objecting.

225. You do not think it unreasonable that the objection should be found to be bad, because a person did not comply with the simple requisitions of the statute?—I think you might find much better means to the same end.

226. It is a simple form of objection in boroughs?—You can take many technical objections.

227. You have the voter's name, and place of abode, and description, on the list, and that is about all?—Yes.

228. *Chairman.*] The objector must say "I object to your name being on the freemen's list, or the occupiers' list"?—There are dozens of ways in which they may be caught. It is for the benefit of the public that facility should be given for certain kinds of objection; when there is an error in the overseer's list it is for the public advantage that that should be corrected by the revised list as finally settled. It is very awkward if at an election time you find that the list, as revised, is full of inaccuracies.

229. Mr. *Collins.*] Are not these objections made under the guidance of solicitors and professional men?—Yes; of registration agents.

230. Therefore they ought to be familiar with these Acts of Parliament?—They are generally.

231. It is no hardship upon the objector if he is compelled to comply with the form?—There is no hardship, but I think the present system is not well organised; I think great improvements might be made in it to make it work harmoniously.

232. Very few voters take the trouble to see if their name is on the list?—That is my opinion.

233. Does that arise, in a great measure, from their indifference to the franchise?—I do not say that.

234. If there was a list and it was stated that every one should have half-a-crown given him whose name appeared on the list, every one would go and see whether his name was there or not?—I think a good many of the population would do so.

235. There is no difficulty in finding it out, under the present system, if they wish to do so?—No; there it is in an alphabetical list.

236. Mr. *Hodgkinson.*] Have you had any experience with respect to the municipal registration at Liverpool?—The same kind of experience that I have had with the other.

237. You are aware that the lists for municipal purposes and the lists for Parliamentary purposes are made up at different times?—Yes.

238. Claims and objections also date from different times?—Yes.

239. Have you had occasion to consider whether one register might be made for both purposes?—It would require considerable change in the law as regards municipal matters, because the residential qualification is so very different, and that is the most important.

240. The residential qualification for municipal purposes is something like 2½ years?—Yes.

241. I presume every one who had resided sufficiently long for municipal purposes would be on the Parliamentary register, would he not?—I really forget the exact difference between them, but there is some difference in the cases as regards qualification for offices.

242. Under the old borough qualification an office, shop, or warehouse, must be worth 10 *l.* a year for Parliamentary purposes, but it might be of any value whatever for municipal purposes; it might be less than 10 *l.*?—Yes; and there is something about a person residing within a certain distance of the borough.

243. The area of residences I believe is the same for both purposes?—I think in one case it is measured by the roads, and in the other case as the crow flies.

244. I think that that is a mistake?—I have not had much to do with municipal matters, but you will find my statement correct.

245. Is it a fact that there are many shops or warehouses of less value than 10 *l.* a-year?—No.

246. You would not, in respect of that qualification, have many voters on the municipal list who were not entitled to be on the Parliamentary list?—No.

247. And as regards residence, I take it that everybody on the municipal list would have a right to be on the Parliamentary list?—Yes, there is some slight difference, but as a general rule that would be so.

248. Would there be any difficulty, even if you did not alter the term of residence, in marking by an asterisk, or in some other way, those who are entitled to the double franchise, and so making one list do?—I think you would find that there would be practical objections to it when it came to be worked out.

249. Is it not the case that the overseers and those who have the preparation of the lists complain very much of having their time occupied twice in each year in making out the lists?—Yes, they do: they are not entitled to make an extra charge for the time taken; they complain very much in Liverpool that they have so much work and no pay for it.

250. Is it not the case also that complaints are made that the collection of rates is neglected at that particular time of the year when these lists have to be made out, first for Parliamentary purposes, and then, within a month or six weeks, for

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municpal purposes?—Yes; if you take the collectors away for several days consecutively from their legitimate duties there is a loss.

251. The expense of printing the lists is also very considerable?—Very considerable indeed.

252. Then you have also the printing of objections in duplicate?—Yes.

253. Then a person who is omitted from the municipal list is very frequently, for the same cause, omitted by the same overseer from the Parliamentary list?—Yes.

254. Then he has to attend twice, first before the revising assessor?—No, before the revising barrister first.

255. He has to attend first before the revising barrister and then before the revising assessors for municipal purposes?—Yes.

256. Do not you find that the voters object to be taken twice from their business?—Yes.

257. Would not that be cured by having one list?—Yes.

258. The trouble and expense would be saved, and a great convenience would result from having the same lists, would it not?—Yes.

259. Are the Parliamentary boundaries and the municipal boundaries at Liverpool identical?—There are 16 wards in the town.

260. But is the area of the municipal borough the same as the area of the Parliamentary borough?—I think it is. I was just considering whether there were any exceptions, but I think that they are coterminous throughout.

261. Mr. *Candlish.*] You mentioned one disadvantage in having a street list, instead of an alphabetical list, which was that of the voter examining the register; will you state more particularly how that disadvantage arises?—He would have first to refer to his street, which would be in alphabetical order, and then to the number in the street.

262. The alphabetical street list would be a shorter alphabetical list than the alphabetical list of voters; the street list, alphabetically arranged, would be shorter?—Yes.

263. Would not the street list be always very much shorter than the alphabetical list of voters?—Yes; but I would have it copied from the rate-book in numbers; I would not have an alphabetical list of names under the head of the street.

264–5. You have a list of voters in each polling district?—Yes; there are 21 polling districts.

266. Would not every street list be shorter than any district list of names alphabetically arranged?—Yes.

267. Would not the voter have less trouble in finding his name in a street, knowing the street and the number of the house in which he lived, than he would have in finding it in an alphabetical list?—I would not have the occupiers of every street in alphabetical order at all.

268. Before an elector goes to look for his name on the register he knows two things: first, the street in which he lives; secondly, the number of his house. Will not he go directly to that street list and that number, and find his name with more readiness than he would in an alphabetical list?—I do not suppose that it would make much difference; it would be about the same, in fact.

269. Then, in point of fact, you do not say that there is a disadvantage?—On the whole, I think it is a very great advantage to have it in streets for other purposes.

270. I understand you to withdraw your opinion as to this disadvantage, you think it is about the same?—Yes, I think it is about the same; I do not think that there is very much to choose between them.

271. Have you many duplicate entries in Liverpool?—They so arrange that within the limits of the parish, that is 12 wards, the duplicates shall be taken out.

272. Is that done by the overseers?—Yes, by the overseers of the parish.

273. Have you duplicates as between parish and parish?—As between parishes and outer townships.

274. What number of duplicates are there?—One thousand four hundred and eight in the present register; I may also mention that of those 1,408, 46 only appear to have voted twice.

275. There are about 3½ per cent. of double entries in the register?—Yes.

276. If you had a registration officer, whose duties extended over your entire borough, would not that save you from duplicate entries?—Where you could prove the identity of the people it would; for instance, where a man was entitled in the outskirts of the town for his residence, and in the parish for his office.

277. Would it not be the duty of the registration officer to make out that identity?—Yes, it would be well that he should do so.

278. Would there be any difficulty in his doing so?—In the majority of cases, not.

279. Have you considered the advisability of having a registration officer rather than an overseer to make out the list?—For many purposes I think it would be well to have such a public officer, but I am not quite certain whether it would be feasible so long as the ratepaying qualification continues.

280. Would not that be got over in a large degree if the officer had legal access to the rate-book?—Yes, but the expense would be doubled; you would have the same expense of the overseer and the expense of the officer and his staff as well.

281. Would you not save the expenses now entailed in having to pay the overseer for this list?—At present the overseer is under-paid for his work.

282. That is a matter of local arrangement, is it not?—Yes, you see the regular staff is not sufficient to do all that work within a few days at a particular time of the year.

283. You do not expect that that permanent inconvenience would be endured; it would be adjusted?—No; the parish would not pay for an extra staff; the ordinary overseers would not allow an increased staff for that purpose.

284. Do you conceive that the under-payment of the overseer is a permanent condition of things, and that it would not necessarily rectify itself, so that those officers would ultimately be adequately paid?—Without some enactment, I do not believe it would right itself, and the consequence is that the list is badly made out.

285. I suppose you have houses in Liverpool occupied by more tenants than one?—Yes, but not to a very great extent.

286. Is it the practice to rate each of those tenants?—Sometimes cellars are rated. In the district of Everton, a great many cellars are rated separately from the upper part of the house, but it is not done otherwise to a very great extent.

287. Have you any houses built expressly for several tenants?—No, I think not; except that there

there is a large block of model cottages erected by the corporation; and I think that system will prevail there.

288. Have they a common entrance?—A common staircase.

289. And a common door?—No.

290. You have not, to any extent, houses occupied by two tenants with a common door?—No.

291. As I understand, you would impose upon the revising barrister the obligation of correcting all mistakes of a technical description?—Yes; I think so.

292. If there was a title to the vote in substance, would you impose it on him that he should rectify any misdescription of a technical nature?—I think so.

293. He is unable to do that now?—To some extent.

294. And you would make it obligatory on him to do that?—Yes.

295. Did I rightly understand you to tell the learned Chairman that you would allow no objection to be made, except on the authority of the revising barrister after a preliminary hearing?—That is a suggestion I made. Something really ought to be done to prevent, in the outset, anyone making thousands of frivolous objections for political purposes. I think a system of fines is always unsatisfactory. As I said, I would have the objection countersigned, following the analogy of magistrates' summonses.

296. Would you not draw the line too stringently, if you did that, against reasonable objections being served?—No; in that case the revising barrister should take almost any kind of proof of some objection existing.

297. At present, the obligation of the law is, that persons qualified to vote on the 31st July shall appear in the public list on the 1st of August, and you say that is impossible?—Impossible.

298. How has that law been complied with hitherto?—I think they make out their list on the last date for the payment of rates, about the 20th of July, and any changes between that and the 31st of July they disregard.

299. As to the registration officer, if the qualification for voting was severed from rateability, you think a registration officer would be a better agent for making up the list than the overseer?—Yes; if the rate ceased to be collected from the tenant, and was collected, as used to be the case, from the landlord, the overseer has nothing whatever to do with the name of the occupier for any purpose.

300. Have you lost rates to any great extent by the abolition of the system of compounding?—Last year the actual amount of rates collected was not less, only there was a large increase of the staff of collectors; but this year I am told by the collectors that they anticipate a considerable loss.

301. Do you think that the change in the law in collecting rates on short terms, would protect the parochial funds from loss?—It might, but I have no faith in any such system; I do not believe that the ingenuity of man can provide any proper substitute for the compounding system.

302. Are all your townships under the Compounding Act?—They did it absolutely against the law.

303. Did you not apply the Small Tenements' Act?—I mean above the 6 *l.*

304. You had the Small Tenements' Act in operation in all your townships?—Yes, in Toxteth Park.

305. Viscount *Sandon.*] How long have you been in the position of Liberal agent in Liverpool?—From the 10th of August 1865.

306. Have you any experience of the operation of the former system before you were agent; I think you said that from the year 1865 the Liberal party had adopted a new course with regard to frivolous objections; have you any personal experience as to what went on before?—No; but frivolous objections were commonly made by both sides; I know that.

307. Were you at all connected with the Liberal Association that worked the South-West Lancashire election?—Not formally connected with it.

308. The two committees were not acting as one?—No, they were two distinct and separate committees.

309. You were not connected officially with the South-West Lancashire committee?—No.

310. You were cognizant of a good deal that went on there?—Yes.

311. Do you see any insuperable difficulty in forcing the overseers to place the occupiers' names on the register?—Yes, I do see very great difficulties practically.

312. Do you see any insuperable difficulty?—No, no insuperable difficulties.

313. So that probably the present system might be made satisfactory by some alteration in the law?—I do not think so. As a practical matter, I do not think it could be done.

314. What are your objections which are not insuperable, but still very great?—At present they are not properly paid for the work, they have not the staff to do it; that is the present great objection. Then the preparation of the list is foreign to their ordinary business, which is that of collecting the rates, and unless they are continually kept up to their work, either by public opinion or by registration agents continually pressing them in different ways, they are very likely to neglect the correct preparation of the lists.

315. *Chairman.*] At present they are liable to imprisonment with hard labour if they neglect their duty. Is there any insuperable difficulty in your mind as to an alteration of the law effecting what is necessary?—The results of past years show that, although there are all these penalties, they have made the lists out badly up to the year 1866.

316. Do you think the question of payment is a serious one respecting their disinclination to make out the lists properly?—Yes, they must have a special staff for the purpose, and a special survey, and a very small allowance is made to them by the revising barrister.

317. So trifling as not to make it worth their while to attend to that part of their duty?—It is quite insufficient.

318. Mr. *Candlish.*] It is 10 *s.* a hundred, is it not?—I cannot say how much it is; the assistant overseer for Everton, where there are many thousands of voters, said that the sum paid to them did not amount to more than 20 *l.*, and that is quite insufficient.

319. Viscount *Sandon.*] Do you imagine that the overseers are influenced by political feelings in their conduct with regard to the register?—I never knew a case in Liverpool of a paid overseer acting improperly in that respect.

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320. You think there is no political bias one way or the other to account for their careless attention to the register?—I have no reason to think that there is.

321. Why do you think that the poorer voters will not claim to be on the register?—They know nothing about it; very many of them are uneducated, they really do not know anything about it.

322. I think you said that not more than five per cent. would claim to be put on the register if left to themselves?—I dare say they would not, that is, of the lower class of voters.

323. Supposing the difficulty about paying up arrears were got rid of, do you think they then would claim?—No, I do not think they know the process at all.

324. You think it arises from ignorance of the process, and not from want of interest in general politics?—Ignorance of the process is at present the chief reason, I think.

325. Does that affect a very large proportion of the population of the town of Liverpool?—Yes, I think so; the alteration in the Reform Bill increased the number of voters from 23,000 to 39,000; the difference of 16,000 is composed mostly of the lower class.

326. You think that a large proportion of the voters not on the register would not care to be on, even if there was no pecuniary difficulty in the way?—They would care to be on when the polling-day came very much.

327. For what reason, if they have no political interests?—They have keen political instincts.

328. I said "interests;" I understood you to say that they knew very little about politics?—No; I said that they knew nothing about the way of claiming.

329. I divided my question into two parts: absence of technical knowledge, and of general interest?—It is not for want of general interest.

330. Is it your opinion that it is a matter of interest to one party more than another to induce as many as possible to be put on the register?—We have always gone on the principle of enfranchising as many as possible; that is the only answer I can give to the question.

331. You do not think it is the interest of one party more than the other?—I really cannot say; the last election would seem to show that it was more on your side than on ours.

332. Why do you imagine that the lodger franchise has not been productive in Liverpool?—I do not know whether the lower orders knew about it very much.

333. The agents of both parties were aware of the change?—Yes; but they had a kind of notion that it would not enfranchise many people.

334. Was that the opinion of the registration agents on both sides?—Yes.

335. Therefore the smallness of the lodger franchise arises in Liverpool from there not being a large number who would come within that?—I think comparatively a small number would be entitled in Liverpool; working men in Liverpool are migratory from one part of the town to another; of course, if you once move during your year you are not entitled to a vote as a lodger.

336. Are you aware that the leading men of both parties in Liverpool were very much averse to speculative objections?—I believe the leading men on both sides are averse to it in ordinary years.

337. You are aware that it was the general feeling, even during the last election, that it was very undesirable for the peace of the town, and for other reasons, to make speculative objections?—That was the general opinion of the better class of people, of educated people.

338. On both sides?—On both sides.

339. Are you not aware that during the contest it was supposed that the parties who made the most objections were considerably injured by the number of objections that were made?—They would have been considerably benefited by the number made if the objections had been valid, and if the people had not come to court.

340. I mean practically, owing to the result of the objections?—I think the party who made the objections incurred considerable odium by so doing.

341. Therefore it was disadvantageous as a party move even?—I think it was a mistake.

342. I understood you to say that the habit of making speculative objections did not affect the cause one way or the other, very much, when political excitement ran high?—They abandoned the practice, you see.

343–4. I am speaking as a general rule, not with regard to this special election. You say that the per-centage gained by making the speculative objections was very small when political excitement ran high in a borough?—I do not say that; I think the advantage would have been considerable if it had not been for special causes, viz., that a large portion of them were invalid.

345. You laid it down as a general opinion, that when political excitement ran high, it did not very much affect the question?—I do not think I said that.

346. From your knowledge of the election in the county which includes Liverpool, are you not aware that a larger number of objections were made by one party than another?—Yes; I believe the Liberals made more than the Conservatives.

347. So that one party took one view in the borough, and the other party took that view in the county, as to objections?—No, I cannot say that; I do not think so. I am of a different opinion.

348–9. I will go to the question of the register; do you not think that there will be some dissatisfaction in many boroughs if you throw upon them a new expense of a distinct officer?—I do not like to speak except for my own borough, and there, I think, the expense would be quite warranted by the improvement that would be effected.

350. And would be acceptable to the people generally?—I think so.

351. Do you not see another difficulty in the appointment of a permanent officer; I imagine a registrar in Scotland is a permanent officer. Do you not think that the appointment would be almost sure to be made on political grounds, and that the choice of a registrar would be a matter of contest between the two parties?—I do not see why it should be any greater objection than it is with regard to any other public appointment.

352. Would it not be a great temptation to other parties to get a partisan into the office?—The partisan, when elected, I think would do his duty, probably.

353. You are probably unaware that in some parts of Scotland that system has been found to act injuriously?—I was not aware of it.

354. It

354. It is supposed in counties that the county mbers have had a good deal to do with the ointment, and some dissatisfaction has pre- ed?—I have not heard that.

355. You see clearly the difference between overseers, who are movable, and the regis- r as a permanent officer; the overseer is ap- nted for a short time, comparatively?—The e of paid overseer is a permanent appointment; is removable, I think, only by the Poor Law ard; however, he is considered permanent.

356. He is subject to removal?—Yes; he is subject to the unpaid overseers. The paid rseer is almost independent of the honorary rseers, because a paid overseer, I believe, in ry case is elected by the guardians and con- ed by the Poor Law Board, whose officer is.

357. But is he removable?—I think you will he is removable by the Poor Law Board y.

358. Mr. *Candlish.*] He may be suspended by guardians, but he cannot be removed other- e than with the concurrence of the Poor Law rd?—I believe that is exactly so.

359. Viscount *Sandon.*] If he showed strong tical bias, there would be a power in the rdians to suspend him, and appeal to the r Law Board?—I think so.

360. If you very largely increased the con- uency by getting rid of the present difficul- , every man being on the register who has a al claim, is it your opinion that it would be eficial for the several interests of the country t some term of residence should be made ne- ary before a man should have his vote?— ; I do not think a year is much too long.

361. From your knowledge of the large popu- on of Liverpool, is it your opinion that it is general feeling of the operative class that y do not wish the most shifty and moving por- of the community to have a vote?—I have means of arriving at a decision on that point.

362. Mr. *Rathbone.*] With reference to what been said as to having objections raised by revising barrister, supposing it would be too ensive to have a revising barrister, would it t the point if objections had to be issued by agistrate at the instance of an objector as a mons is taken out?—I do not like to entrust great power to a single magistrate.

363. To two magistrates?—I think a bench of istrates might have the power entrusted to n.

364. Supposing it was entrusted to a revising ister, do you conceive that the expense saved the public by preventing hundreds or thou- ds of people being taken from their work to nd a revising barrister's court, would be greater n the cost of having two visits by the barris- to the town?—Yes; and I do not think the nd visit of the revising barrister would be rly as long as it is at present; it would so uce the number of objections.

365. In the end it would save expense to the ntry?—I am inclined to think so.

366. Another point that I wanted to ask you his; in practice, is it not the fact that nine out en persons have to attend personally?—Nine of ten persons of those who succeed in prov- their qualification attend personally.

367. And you consider that if you had the n of having a registrar, in the way that is pro- d, his expense also would be more than saved in making the list so full that there would not be the same difficulty in registration?—I think that would incur an extra expense; I do not know that that would be saved out of the costs of the objections.

368. Mr. *Bourke.*] Have you got a vestry clerk in Liverpool?—Yes.

369. Has he any duties to perform connected with the registration of voters?—I do not know how they divide the work at the parish office; but practically it is the superintendent of collectors in the parish who prepares the lists in concert with the collectors.

370. But you do not know whether the vestry clerk has anything to say to the registration of voters?—I really do not know what part he plays in the matter.

371. He is a permanent officer?—Yes.

372. You think the paid overseers do their work pretty well?—Yes, I do, considering the difficulties with which they have to contend.

373. Do they do it under the supervision of the overseers?—The honorary overseers leave it entirely to them; they know nothing about it.

374. But they are responsible, I suppose?—I suppose they are legally.

375. And the paid overseers are elected by the ratepayers?—They are appointed jointly by the guardians and the ratepayers.

376. Are you sure of that?—I know in one case they are, because Mr. Clements told me he was.

377. Now, last year, I suppose that the overseers' duties in making out the lists were more difficult last year than the year before?—Yes.

378. They have no precept, no special instructions?—No.

379. Of course you think it desirable, under the new system, that there should be a precept applicable to the new system, just in the same way that there was a precept applicable to the old?—Yes; I think they should have full instructions.

380. Of course they would be in a much better position to perform their duties than they were at the last registration?—Yes; but they took special pains last year, knowing that an election would take place.

381. An election coming would not affect the character of their duties, because the lists would have to be made out whether there was an election imminent or not?—Yes; but they would get so bullied by the voters if they did not do their duty, that they would take great pains.

382. Notwithstanding that, they have no precept or special instruction?—No.

383. The payment of the overseers is all borne by the ratepayers?—What they do get is borne by the parish.

384. I do not think you have suggested that any officer should be appointed instead of those paid overseers, have you?—I was asked my opinion as to whether it was advisable.

385. I am not certain that I understood your answer?—As long as the ratepaying qualification continues, you would have double expense, and therefore probably it may be premature; but if the ratepaying qualification were to be abandoned, I should say you should have a public officer, and take this duty entirely away from the overseers.

386. Would you have that officer paid by the ratepayers?—Yes. I should like to add that, in my opinion, the residential qualification achieves

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all the ends which it was intended should be accomplished by the ratepaying qualification.

387. Do those paid overseers attend to their duties with regard to registration, as much as they do with regard to their duties as to economy, rate collecting, and so on?—The last year or two they have certainly paid a great deal of attention to the preparation of the lists.

388. With regard to these street-lists that you have suggested, I think, as well as I can understand you, your opinion is that those street-lists will facilitate canvassing very much?—That is canvassing for the survey for the objections.

389. But I did not understand you to say that it would facilitate the convenience of the voter very much?—I came to the conclusion that it would be about the same to him.

390. With regard to the revising barrister, the revising barrister has power to award costs now in the case of all frivolous objections; you know that?—Yes.

391. Would you allow everybody to make objections just as they can now?—I do not see that you can restrict the right to make objections to any peculiar class of people, but I would place checks upon their making frivolous objections.

392. It was suggested to you that these objections should be first submitted to the bench of magistrates?—I think we first suggested it.

393. *Chairman.*] That is the Liverpool plan?—That is the plan which our association think might be adopted.

394. Mr. *Bourke.*] Do not you think that might introduce political discussion into the proceedings of the bench of magistrates?—It might have that effect; I should rather have it before the revising barrister, certainly.

395. You say that the onus of proof ought to be on the objector?—Yes.

396. We will suppose that an objection is made before the revising barrister, and that your system is carried out, and the voter is not obliged to come to the Revising Barrister's Court; because that you seem to think one of the greatest inconveniences of the present age?—Yes.

397–9. Supposing a *primâ facie* case was made out against a particular voter, what would the revising barrister do if the voter was not there, before the revising barrister?—If, instead of having that preliminary court, you shifted the onus of proof upon the objector, he would have to make out his case.

400. Suppose he made out a *primâ facie* case; if the voter was not there, what would you have the revising barrister do?—It depends upon the nature of the reason given. If it is some such thing as that his number is wrong, or that his name is wrongly spelt, and so on, I would give the barrister power to amend, if he thought right, without calling upon the voter, after consulting perhaps with the overseers, who will have knowledge of the facts, and might be trusted to speak the truth.

401. But I think they have at present power to amend?—They have under the 40th section.

402. I am not quite certain that these powers affect the notice of objections; you think it desirable that they should?—Yes, I think so; I think that the barrister should have power to override all technical difficulties.

403. You think they are too tender about costs?—Yes.

404. Mr. *Dilke.*] You were asked whether the street-list system would facilitate matters for the voter; now, is not the real question, not whether it would facilitate matters for the voter, but whether it would tend to the making out a more perfect list?—That is the real question.

405. Do you not, therefore, think that by the correction which would take place through the action of a man's neighbours, a new power will be brought into service for correcting the list?—I do. A neighbour could go and prove for two or three of those around him.

406. And, as a matter of fact, a person does not now look for his neighbour in the list; if he looks, it is only for his own name?—Just so.

407. And with a street-list he would look for the names of his neighbours?—Yes.

408. The street-list, you think, would very greatly facilitate the perfection of the register?—Yes.

409. You have said that the registrar, who might be appointed upon any change of the registration law, ought, in your opinion, to be paid by the ratepayers of the borough?—Yes.

410. What is your reason for giving that as your opinion, rather than for saying that he should be paid from the Consolidated Fund?—I had a reason. It seemed to be natural that the borough should pay the expense.

411. Do you not conceive that having in every borough a perfect registration of voters is a national matter rather than a purely local matter?—It is a matter of national importance, but of local convenience.

412. But, being a matter of national importance, you do not see any serious objection, or do you see any objection, to such an officer being paid from the Consolidated Fund?—No.

413. You are aware that the revising barristers are paid from the Consolidated Fund?—Yes, they are.

414. Can you see any reason, then, for any distinction between the mode of paying the barrister and that of paying the officer of whom we have been speaking?—No, I cannot.

415. You were asked some questions about the barrister amending the list; it has been decided that the barrister has no power to amend the qualification?—The words, I think, are, "to alter the nature of the qualification."

416. It has been ruled that he may insert the number of a house; but if a wrong street is put in, he cannot put in another street?—No, I think they never do put in another street. I did not know that the point has been absolutely decided.

417. You spoke of proving a man's claim to be on the register not in all cases by his own attendance; but you said to a Member of the Committee that in many cases the proof of other persons was admitted; but is it not the fact that in no case, or in hardly any case, have revising barristers taken the evidence of any active political man, an active committee man, or registration agent, on either side?—They are extremely particular about that.

418. So that, in practice, it is confined to the man himself, his wife or children, or immediate neighbour; very immediate neighbour?—Yes.

419. And a neighbour is seldom or never allowed to prove several cases?—On the last occasion that rule was relaxed, because so many were objected to in a street.

420. You mean that it was relaxed in Liverpool?—Yes.

421. Y

421. You do not think it was relaxed everywhere?—No.

422. If compounding came to be restored, have you contemplated the effect of forcing the landlords to send in the name of the tenant for whom they compounded, under some such penalty as losing the advantage of compounding if they did not?—Yes, that has been brought under my notice; it seems to me to be feasible.

423. There is a notice under the Representation of the People Act, to be sent to occupiers who have not paid their rates up to a certain day, stating that unless their rates are paid before another fixed day, they will have no vote?—Yes.

424. It has been held, I believe, that the ordinary note in use, claiming the rates, is a sufficient demand note under the Act?—I believe they sent a special form in Liverpool.

425. You are aware that it was not sent everywhere?—I have heard that.

426. I think you have been asked the question already, but I want to ask a further question upon it, there is no form of claim applicable to the occupiers under the new Act?—Yes.

427. There is no form of claim?—Just so.

428. You are acquainted with the common form of claim in use. Just look at that fourth column (*handing a paper to the Witness*). Is not that fourth column wholly inapplicable to the occupiers under the new franchise. You observe it says "When the right depends on property," that is inapplicable now?—Yes.

429. Under the occupation franchise, that is with the new claimants of the franchise, the fourth column if filled up, will be the same as the second?—Yes.

430. Have you, in Liverpool, any cases where claimants omitted to fill up the fourth column?—I do not remember a case.

431. You are perhaps aware that in boroughs where the claimants omitted to fill up the fourth column, because they saw that the fourth column was, on the face of it, inapplicable to their case, they were, notwithstanding, omitted from the register in consequence?—Yes, I have heard of it.

432. Do you think that sufficient publicity is given to the overseers' first list, and other lists in registration matters?—Yes, I think so.

433. When you suggested a preliminary revising court, you were asked whether fines or heavy costs would not be sufficient to stop frivolous objections; would not those fines, as a matter of fact in boroughs where party feeling ran high, be paid by registration societies?—Unquestionably.

434. Therefore it would not be a sufficient objection to your plan of a preliminary court. You think the difficulty could not be met merely by fining for frivolous objections?—No, I do not think it could.

435. You declined to answer questions about lodgers, because you had not sufficient information about them, but you spoke of the migration of lodgers in Liverpool. There is no franchise, in fact, for lodgers who migrate?—No.

436. Is it your opinion that there is any reason for preserving that distinction between lodgers and occupiers?—Not the slightest.

437. You would propose to allow lodgers to claim for occupation of lodgings in succession?—Yes, I would. It would be very difficult, practically, to get them on, but I see no theoretical objection.

438. In what you said of the overseer as contrasted with the proposed registrar, you spoke all through of paid overseers?—Yes.

439. Your overseers are not paid in Liverpool?—No; not the honorary overseers, only the assistant overseer.

440. Do the orders of the Poor Law Board, and Acts of Parliament which mention overseers, apply in Liverpool to your honorary overseers, or assistant overseers; is there any speciality in the case of Liverpool?—I do not know that there is. The assistant overseers are more like superintendent collectors.

441. You are aware that all the penalties in the Acts of Parliament are supposed to fall upon overseers, and that they are the persons responsible, and that they are entirely unpaid in most places?—Yes.

442. Therefore it is no question of their being insufficiently paid, but of their being in most places entirely unpaid persons?—Exactly.

443. You conceive that the duties at present thrown upon the paid registrars and the assistant overseers would be largely performed by any registration officer?—There might be a difficulty in the registrar about the payment of rates.

444. That was the point I wished to ask you about. You spoke of that difficulty just now; I want to know what reason there is, in your opinion, why he should not have the whole of the documents submitted to him; why the overseers should not be compelled to give him free access to the whole of the books in their possession?—There is no objection, except that I do not see how he could take them away from the overseer's office; they want them almost every hour.

445. Might not this paid registrar have the overseer's office for his office also, that being the ordinary parish office?—Yes.

446. *Chairman.*] The learned Member for King's Lynn asked you if the onus of proof was cast upon the objector, what would happen if the voter did not attend at court. If the voter now does not attend at court he is struck off without any evidence being given against him?—On proof of service of the notice of objection.

447. But if the onus of proof were cast upon the objector then he could not be struck off unless the objector gave some evidence that he was not entitled to his vote?—Yes; and even if he did give some evidence, if the defect were of a character to be amended, that might be done without his coming to court.

448. The objector might say, "I object because he lives at No. 3, and he is entered for No. 4." The revising barrister would say, "I will amend," and then the voter would have his vote?—Yes; the revising barrister would say, "Mr. Overseer, where does this claimant really live?" and the overseer would say, "That No. 3 is a misprint, he is on our books for No. 4."

449. In that way you would save the votes of all men who are struck off if they are absent, because there has been some formal error?—Exactly.

450. As a fact, speaking as a person experienced in the registration courts, would you think it safe for a man who wanted to sustain his vote to be absent, or would you think that he must be there himself to secure his vote, if he is objected to; under the present form, I mean?—He certainly would have to go.

451. I mean as a practical fact, if a man is objected to, to give him a fair chance of keeping his

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his vote, he must go there?—He must be there, unless he can find some one to prove all the qualifications.

452. He does not know what objections will be made before he gets there?—Just so.

453. Therefore it may be that the person he sends cannot defend the point on which he is attacked?—Just so.

454. The noble lord the Member for Liverpool asked you whether there would not be some fear that a registration officer would assume a political complexion. Would there be any greater danger than there is with respect to the present overseers?—Smaller.

455. He would be a public officer receiving a public salary, and would be more under the control of public opinion?—Yes.

456. Of course he would be made removable by some public department in case of misconduct?—Yes.

457. He would occupy the sort of position, with reference to the public, which a town clerk does?—Very much the same.

458. He would be restrained by his situation from acting with partiality?—I should think so.

459. The honourable and learned Member for King's Lynn asked you if precept would not be necessary; but if there was a registrar competent to do the work no precept would be necessary, would it? He would instruct himself, or he would instruct the agents he employed?—Yes.

460. If the overseers are retained you might have a precept to instruct them?—Yes.

461. But if you have the registrar himself no precept would be requisite?—No.

462. You have been asked about double entries in Liverpool; if there were one registering officer those double entries would be greatly reduced?—Yes.

463. The greater number of people entered twice are generally the wealthier class, who have some occupation besides their residence?—Yes.

464. Such persons would come under the cognizance of the registering officer?—Yes, there would be the variation between the qualification and the residence, that is, between the fourth column and the second column; they would see it there.

465. I think one of your answers was misunderstood. You were asked whether you thought this poorer class of the community did not claim to be on the register because they were indifferent to politics. What you meant to say was, that it was in consequence of their ignorance of the niceties of registration law?—Yes.

466. And that does not come to their knowledge, except through the means of registration agents?—Just so.

467. Now, as to claims to being rated, you were asked, I think, by the noble lord the Member for Liverpool whether if the objection to paying the arrears were removed that would not cure the evil. Is it not the fact that a man who claims to be rated must pay his own rate before he can be rated. I mean this, that supposing the name of a weekly tenant who pays his rate now in his rent is omitted in the occupiers' column of the rate-book, and he wants to claim to be rated, the first thing he has to do is to pay his rate?—I do not know whether that is to be done before or after.

468. That is a point of law; you were asked by the honourable and learned Member for Boston, whether in respect of successive occupation the present state of the law did not insure respectable people getting on the list; I do not suppose a man would lose respectability because he changed from one house to another: how would that be, supposing a man improving in life, and he gets a residence in a better street he goes there and is entered for his last house, and his first house is not entered on the list; he can never get on the list of voters, except by sending in a new claim?—No; but if he is prudent when he moves from his former house, he will give notice to the overseers, and they will put him on.

469. Many people would not know how to do that?—Practically few do it.

470. Then an objection is made, and he cannot cure it?—Just so.

471. You were asked whether some penalties might not be placed on the overseers, so as to compel them always to fill up the occupier's claim; do you think that it would be possible to place heavier penalties than the Act of 6 & 7 Will. 4 did, and the orders of the Poor Law Board, which have made the overseers and other officers liable to imprisonment with hard labour?—Those penalties certainly seem very heavy but they have failed.

472. If they have failed to cause overseers to fill up the occupiers' column, do you think any further legislation, inflicting penal servitude or anything of that sort, would be likely to have that effect?—No.

473. Since 1836, people have been liable to hard labour for not doing it, and they have not done it?—No.

474. If compounding is restored in the boroughs, are you of opinion that the occupiers' column, practically, will not be filled up?—Yes I believe, sooner or later, that would be the state of the case; they might be kept up for a certain time by registration agents and public opinion.

475. There is one question which I did not ask you before; at present the requisite of the Reform Act being not only that a man should have paid his rates, but that his name shall be on the rate-book, do you know of any instance in which landlords have intentionally kept the names off the rate-book by defect of payment of the rates?—I was told, on what I believe to be good authority, last year, that that had been done in the lower parts of the town.

476. That is to say, if there is an agreement between the tenant and the landlord, that the landlord should pay the rate; if the landlord omits to pay a shilling of the rate, the tenant loses his vote?—Yes, unless the tenant finds it out and pays it himself before the 20th July.

477. He would not be likely to do that?—No.

478. If the landlord chooses to use his power he has the power to disfranchise a tenant?—Yes I consider that in large towns the landlord and the collectors together, if they choose to be dishonest, can disfranchise or enfranchise to a almost unlimited extent.

479. Mr. *Bourke.*] Could not a landlord be indicted for such a thing?—No, I do not think he could; you might sue him for money had and received; I do not think you could do more.

480. Mr. *Candlish.*] You told the noble lord the Member for Liverpool, that there would be increased cost in the appointment of a registration

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'ion officer. May I ask you, do you know the 'ost of agency now for making out the list?—The overseer's expenses?

481. Yes?—I think the total amounts allowed by the revising barrister for the borough, including printing, is 1,400 *l.*

482. I want to know the cost apart from printing, the cost of agency?—For the work of the assistant overseers?

483. Yes?—For that one district of Everton, which is about one-sixth of the whole, Mr. Clements told me that it did not exceed 20 *l.*

484. Do you know what the town clerk is paid; does not he superintend the publication of the revised list?—Yes.

485. What is he paid?—I do not think he ha any fee beyond the expenses of printing and other moneys he has paid away.

486. *Chairman.*] He gets paid for the freemen's list?—That is a trifle, I think.

487. Mr. *Candlish.*] You have been asked about political excitement in the election of a registration officer. Do you know of any political excitement ever having occurred in connection with the election of an assistant overseer?—Yes; it has been made a party question to some extent, but not recently.

488. Is the whole work of making out these lists performed by the paid overseers, or by the honorary overseers?—The honorary overseers have nothing to do with it.

489. The overseer for the purpose is a paid officer now?—Yes.

490. Mr. *Dilke.*] I asked it generally, not with regard to Liverpool only; it is not the case in all boroughs. In your opinion, would the supervision exercised by the Home Office over these registrars be sufficient for the prevention of all the evils that would otherwise exist?—I should think so.

Mr. Robert Hawkins, called in; and Examined.

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491. *Chairman.* You acted as one of the agents for the Liberal party in the late registration at Oxford?—I did.

492. Oxford is a borough where the system of compounding never existed, I believe?—No, it never existed.

493. But practically speaking, as to a large proportion of the smaller houses, the rates always have been paid, and are now paid, by the landlord on behalf of the tenant. Did you find at the recent registration the overseers' list was a very imperfect document as representing the persons entitled to be on the register?—Generally very imperfect.

494. There are a good many parishes in Oxford, and there were a good many separate lists for the borough, which is not a very large one?—There were. There are 16 parishes and parts of three more parishes within the Parliamentary boundary of Oxford.

495. I think the number of voters in Oxford is about 4,000 occupiers and 1,000 freemen?—Yes, about that; that brings up the total to about 5,000.

496. There is a list for each of the 16 parishes, and the part of each of the three parishes?—Yes, there are 19 lists exclusive of the freemen's list.

497. The overseers' list is practically made out from the occupiers' column in the rate-book?—So it is.

498. From your experience of the occupiers' column in the rate-book, does that column at all supply an accurate list of the occupiers entitled to vote under the recent Reform Act?—No, certainly not, as it stood before the last election.

499. Was it not the fact, that where the owner paid the rates there would be the names of people left upon the occupiers' column who had long ceased to occupy the house?—Yes; there were some who had been dead 10, 12, and 15 years.

500. And subsequent occupiers, who had remained there for several years and paid their rates, would not be on the register, because their names had never been entered in the column?—That is so.

501. In consequence, they were practically disfranchised?—They were.

502. And that although they had paid their rates either themselves or through their landlords?—Yes.

503. Do you consider that the rate book, which is kept principally, of course, for the purpose of collecting the rates, is ever likely to be a very accurate political register?—Not unless it is made distinctly a machinery for political purposes, as well as for rate purposes. That is, I think, at present its use as a political register is an accidental part of the thing.

504. The main thing to which the people who keep the book look is the collection of the rate?—Certainly.

505. The only entry about which they are solicitous is the entry of the persons' names and addresses from whom they get the rates?—Yes.

506. Where they are the owners, they are comparatively careless on the subject of the occupiers?—Yes.

507. Do you think a street list of the occupiers would be a good thing to adopt as the basis of the register?—A very good thing.

508. You think it would be much to be preferred to an alphabetical list?—Yes.

509. For the purpose of examining who are the persons qualified in various ways?—Yes.

510. Is it not the fact that you have to convert the alphabetical list into a street list for the purpose of canvassing?—Yes.

511. Would it be a good thing that there should be a supervision by one man of the whole registration of the borough?—I think so.

512. So that the entries should be made upon the same principle in all the parishes, and that there should be some means of striking off duplicates and double entries, which must necessarily take place where the entries for each parish are separate and distinct?—Yes; at present, of course, it is to a certain extent in the hands of one man; that is, the town clerk would have the printing of the list; but the overseers in the first instance are responsible for the names entered on the list, and the town clerk simply copies those sent in by the overseer.

513. As a fact, people who have occupations in different parishes appear several times?—They do, and freemen appear as householders, and so on. There are double qualifications in that way.

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514. That leads, of course, to great risk of personation?—Yes.

515. Have you considered the proposal to issue claims to amend the qualifications on the overseer's list subsequent to the publication of the objections?—Yes.

516. Do you think that would be an improvement on the present system?—I think a great improvement.

517. At the last registration in Oxford was it the fact that a number of persons who had resided in the borough for years lost their votes because they were entered for one house, when they had in fact during the year occupied two in succession?—Yes; for that and other causes which might have been well amended if they had put in a claim subsequently.

518. Do you think that objections upon their face ought to state specifically the grounds upon which they rest?—I think so, decidedly.

519. Would that in your judgment prevent fishing objections, and people issuing objections, taking the chance of the voter not coming to sustain his claim?—I think it would partly have that effect.

520. In the case of lodgers, do you see any reason why the lodgers should not be placed in as advantageous a position as the occupiers; that is to say, that a list of lodgers should be published at the same time as a list of the occupiers, so that they may be objected to as the occupiers are objected to, without being compelled to go into court?—I see no reason why that should not be so. We have very few lodgers in Oxford, so that the case hardly applies with us.

521. Was it found at Oxford that a considerable number of persons who were objected to never appeared to support their votes, and that, consequently, whether they had good claims or bad claims, they lost their votes?—A great number lost their votes in that way; some attended, and were obliged to leave; they could not wait.

522. Were you not advised that a candidate would not be justified in paying men for their attendance at the revising courts?—Yes.

523. A legal opinion was taken upon that subject?—Yes, it was.

524. A great number of objections, I think, were served by one party in Oxford; I think as many as 600?—Between 600 and 700.

525. Three hundred of which, I think, prevailed?—Yes, about that; I forget the exact numbers.

526. Do you think it would not be a good thing, whether there were polling districts or parishes, or whatever division is adopted, that the names in the street list should be made out in the order of the occupation of the houses and the character of the franchise, whether that of occupiers, freemen, lodgers, or otherwise, should be marked in one and the same list, instead of having one list for occupiers, one list for freemen, and one list for lodgers?—In Oxford the names of the freemen are incorporated in the register, and an asterisk put against them.

527. They are not on the original list?—No, but on the register.

528. Is it your opinion that something should be done to diminish the technical objections to both claims and objections which at present prevail; for instance, if a man signs an objection to a voter, and if he dates it all right, but omits the year, the objection, you are aware, is bad?—Yes.

529. Or if he objects to a man, and does not state the list upon which the man is, whether it is the freemen's list, or lodgers' list, or if he, being a freeman, does not say that he is a freeman, then again his objection is bad. Do you think those technical objections might, with advantage, be remedied?—Yes; where the objection is really a good one I do not think there is any advantage in maintaining so many technical points.

530. I would ask you generally, with your experience of the conduct of the business of revising courts, do you think the inquiry is satisfactory as a judicial investigation?—I do not think it is.

531. Have you found that there is a great deal to do, and very little time to do it in?—Yes; the hurry is immense; on the last occasion it was as much as one could possibly do to get through the list, and there was hardly any time to consider any case; it required the greatest rapidity of work.

532. Were there two courts sitting in the same room?—There were.

533. Did that lead to great uniformity in decision?—Certainly not; there was one line taken in one court, and another line in the other court; occasionally some one came from the other court and reported that the decisions were going differently from what they were in my court.

534. There was one singular accident which happened with reference to a somewhat important point, that is the right of residents in college to vote?—An appeal was to be allowed in a case.

535. It was agreed that it was a very important question of law, which ought to be settled in the Court of Common Pleas?—Yes; and the barrister reserved his decision for the second day. He then gave a written decision. There was to be a case drawn up, and as the work was very pressing at the time, it was agreed that the case should be drawn up afterwards, and that I should see it. I did not see it. It was drawn up in the course of the evening by the solicitor on the other side and the revising barrister between them, and they omitted the important point that the rooms were in a college. The whole point of the case was, therefore, left out.

536. Ultimately both sides agreed to settle the case?—Yes.

537. What ultimately became of the case in the appeal?—The revising barrister could not be found; I do not know where he was; they telegraphed for him everywhere, and the result was that they did not get the new case signed by the revising barrister in time for lodgment, and so the whole thing fell through.

538. There was no possibility of ascertaining the address of the revising barrister?—No.

539. The consequence was that that very moot question of the right of fellows in college to vote in the borough has never been decided?—No.

540. In your judgment do you think that a revising barrister ought to be compelled to give an appeal upon proper security for costs?—I think he ought where a question of law is raised.

541. As to the question of costs, were costs in your judgment given freely and readily at Oxford?—No; there was a great difficulty in obtaining costs; there were several cases in which I had applied for costs where the objection had failed and the voter had maintained his right to vote I applied for costs in each instance of that kind and at last I succeeded in getting one shilling On one occasion my application was refused where everything

erything was right, but the man had his door inted over; the landlord had had the door inted over, and the revising barrister said he uld not allow costs because there was an ex-se for the objector, seeing that the number was t on the door.

542. In how many cases were costs given?—do not think I had above three in my court here I got costs, and that was only a shilling ch time for working men who were earning 4 *s.* day, and so on.

543. How many cases failed that were argued?—A considerable number failed; but in some ses the parties did not attend, and they, of urse, had no costs.

544. Was that taken for granted, that if a man l not attend himself he had not costs?—No, they l not allow costs then.

545. In your opinion, would it be a security ainst frivolous objections if a sum were deposited a payment for costs as a protection, or would u think that unnecessary?—I do not know that would be quite desirable that a sum should be posited in every case. The best plan would be have some control over the original issuing of e objection.

546. What control do you suggest for that?—hould be inclined to let it be done by leave of e registrar, the town clerk, or whoever it is at is employed as the registrar.

547. To allow him to form a preliminary lgment on the objection?—Yes; or say such a ng as this, that the objector should have a ort form, a statutory declaration, stating the jection he meant to make, and that then the gistrar should give him leave to issue the jection.

548. Would not that be giving the registrar a t of control over objections to his own list?—do not think that that would be prejudicial. I not think that he would be particularly tied to s own list. I do not think there would be any eat objection to that.

549. Would you be disposed to call upon the jector, *primâ facie*, to prove his objection?—rtainly.

550. You think it is a great injustice to a man, no has been put upon the list as entitled to vote, be called upon to defend his vote unless there a *primâ facie* ground of objection?—Certainly; e course adopted under the present system, is t to ask the objector what his ground of objec-n is, even when the voter presents himself, but make the voter go through the whole of his ualifications.

551. Therefore, in point of fact there is every cility given for fishing objections. A man may me intending to rely upon one objection and ay take his chance of fishing out another objec-n?—Yes, that is so; and it makes it more fficult for any friend of a voter to support his aim.

552. Therefore, if a man defends his absent ighbour upon one point, if he is asked upon me other point and cannot prove it, the man ses his vote?—The man loses his vote.

553. Do you think it would be a good thing if ere was some central and superior power over vising barristers to make general rules for their nduct?—I think, certainly, it would be very sirable.

554. Have you looked at the dates in this per, and do you think there would be any ad-ntage in altering the dates according to the plan proposed there?—Yes, I think there would.

555. What is your view upon the subject of claims; do you think when claims are made to be placed on the list, claims in respect of persons whose names are omitted in the original list, that they ought to be followed by objections, or that they should in all cases be compelled to come into court?—If a man has made his claim, I do not think there is any great hardship in making him come into court to support it.

556. That would depend, I suppose, in some degree upon how correct the original lists were?—Yes; if the original list is anything like correct, then the claimant ought to come into court and prove his claim.

557. At present, when the list is so incorrect as it is, there is really hardly any presumption against a claimant?—No.

558. Have you formed any notion of what amount of expense, in a borough like Oxford, would be required to get some man to superintend the formation of a really correct list?—It is rather difficult to say that. I think a great deal would depend upon whom you employed; if you employed the town clerk, who is an officer in the borough, you would pay him rather less than if you employed a man specially for the purpose. Holding public offices in the place, he would be a man able to do it for rather less than others, perhaps. I think that the amount would not be very great. A great deal depends upon the machinery which you put at his disposal. That really is the question.

559. Do I understand you to say, whether the rate-paying qualification is maintained or not, you still think it absolutely necessary that there should be some central supervision?—I think it is quite necessary.

560. Of course, if the rate-paying qualification were discontinued, there would be no special object in retaining the rate-book, as compared with any other means of forming the list?—No; I may mention, with regard to payment, that the town clerk is paid now. Under the last Act he was allowed to be remunerated for his trouble.

561. That is for making the freemen's list, or for making the register?—For making the register.

562. I have got here the expense of registration in Oxford, and I see the payment to the town clerk was 96 *l.*, and to the overseers 141 *l.*, making a total of 237 *l.*, which includes the printing?—Yes.

563. If by any means you could cheaply get an accurate occupiers' street list, that is, of every occupier in the street for the borough, do you think that would be a valuable basis for forming the register?—Yes, very.

564. You might then strike off from it all persons who were disqualified for any reason?—Yes.

565. In your judgment, if there were any means of getting such a list as that, would it be a more accurate list than the rate-book is at present, putting out of the question the rate-paying qualification?—Yes, I think it would be.

566. Then, supposing you had an accurate street list of that kind, you might strike off women, minors, and people who had not paid their rates, and the residue would be the persons entitled, would they not?—Well, it would not give all the freemen, and I do not know whether it would give the lodgers.

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567. It might give the lodgers. It would not give the non-resident freemen; but it would give you all the freemen who resided in the streets?—Yes.

568. Assuming you to have an accurate street list, that is to say, a list which gives the name of every person in every house along the street; assuming you to keep the ratepaying qualifications, would it not be a very easy thing to get from the overseers a return of those people who were in arrear of paying the rates?—Yes, that would be very easy.

569. You might strike them off the street list at once?—Yes.

570. The names of women would almost tell themselves; you might easily reduce that street list into a register?—Yes.

571. Mr. *Collins.*] The Parliamentary boundary of Oxford contains 16 parishes and parts of three other parishes, you say?—Yes.

572. Since the passing of the Small Tenements Act can you give any instance in which the landlords have paid the rates?—I am not aware of any.

573. Since the abolition of the compounding system the tenants are the persons who pay the rates?—No, the landlords pay some of the rates.

574. In which of those 16 parishes have the landlords paid the poor-rates since October?—I do not know of any case since October.

575. Since the abolition of that system the custom has prevailed of rating the occupant for the purpose of the poor-rates?—Yes.

576. *Chairman.*] Did I rightly understand you to say that the practice of the landlord paying the rate for the tenant has been discontinued?—I think the tenant will now be put on the rate-book.

577. The question is who is going to pay the rate?—The landlord will still pay it.

578. Mr. *Collins.*] What rate has been levied in Oxford since October?—One was made in November in Headington Union, and in the other union I forget what the date of the last rate was.

579. In these two rates that have been made, the occupier's name has been placed on the rate-book?—In those that I have seen, it has been placed in the rate-book.

580. What reason have you to suppose that the rate has been collected from the owner and not from the occupier, in the rates made last November and this spring, under the new system?—I have not heard of any change being made.

581. You cannot say whether the owner or the occupier has paid the rates?—I do not know from my own knowledge.

582. As to the lodger, what means would the overseer or any public officer have of knowing that the lodger was a man who paid 10 *l.* clear yearly rent for his lodgings?—The overseer would have no other means of judging than his local knowledge.

583. How could he ascertain that the lodger had the precise number of rooms that he said he had, or whether he occupied the same number of rooms one year as he did the year before; is there any means of obtaining that except from the landlord or the lodger himself?—No.

584. Mr. *Candlish.*] Have you many duplicate entries in your register?—We had a good many.

585. Have you now?—There were 210 on the register when it was published, besides those purged from the lists on revision.

586. How were they purged?—They were purged to a great extent by objections.

587. You think that a registration officer would tend to rid you of duplicate entries?—Certainly.

588. Are there 19 separate lists made out in Oxford; one for each parish?—One for each parish.

589. Numbered consecutively on one register?—They are.

590. From 1 to 4,000?—From 1 to 4,000.

591. Made out by 19 officers?—No, because one of the collectors who makes out the lists collects, I think, for six parishes, and another for five parishes, and so on.

592. He is assistant overseer as well as collector?—No, he is collector only.

593. It is the overseer's duty to make out the lists?—It is, but he never has anything to do with it.

594. He delegates it to the collector?—Yes, I think that only in one parish, the parish of St John, the overseer made out the list.

595. Do you know what they are paid specifically for this specific work?—I have the list; it does not distinguish printing.

596. You do not know what is paid for agency?—I can give you one instance where the amount was 16 *l.* 5 *s.*, and out of that the printing came to about 6 *l.*

597. What is the total there?—£. 141 2*s.* 2*d.* to the overseer.

598. Two-fifths of that would be printing?—I dare say it would be.

599. £. 6 out of 16 *l.*?—Yes.

600. Do you know what you pay your town clerk for superintending the publication?—The amount is given there. The amounts were very much more last year than in the previous registration.

601. Do you expect that the appointment of an officer would increase the cost in making out the register?—No, I do not think it need.

602. About new claims; would you not dispense with the attendance of a voter claiming for the first time, if on claiming before the registra he attended and got his concurrence in the validity of his claim? Would it not do to impose it as a duty upon the overseer or registration officer, whoever it was, to give his approval, and so to dispense with the necessity of personal attendance at the revising barrister's court? Accidental omissions, no doubt, will occur very often. Should not the claimant's work be complete when he has satisfied the registration officer that he has a good claim?—I think that would be constituting the registration officer a judge. If you give him leave to tell the revising barrister afterwards that he had found an error, and that there was some one else entitled to be put on the list that name would never be published until it came before the revising barrister.

603. Is not the registration officer now really a judge as to who has or has not a claim?—Yes, but he publishes the list, and it is open to any one to make an objection.

604. You think every new claimant should appear before the revising barrister and establish his claim?—Yes.

605. Would it not be sufficient if a new claimant attended before the registration officer, whoever he was, and got his admission as to the sufficiency of the claim?—Yes; I do not see that there would be any objection to that.

606. I

606. It would be published as a new admitted claim?—But, supposing an objection to be filed to that claim notwithstanding the approval of the registration officer, the man must still appear.

607. You would provide that every man objected to should have notice of the objection?—Yes

608. Mr. *Bourke.*] Would you have the duties of the new officer whom you would have appointed supervisional, or would you have them duties that are done now by the overseers?—I think that they must be partly the duties which are now done by the overseer as well as supervisional duties.

609. Do you think the town clerk would answer the purpose of that officer?—I think he would.

610. Have you got any vestry clerk at Oxford?—No.

611. I believe, whether a lodger is on the register or not, he will be obliged to make his claim annually?—Yes.

612. Do you think it would be a fair thing to leave all lodgers who are on the register upon the register until they are objected to?—I am hardly prepared to say how that would work; we have so few lodgers in Oxford that it would be hardly a fair test; there is so much constant removal.

613. I daresay you have seen the lists prepared by the learned Chairman as to the alteration of dates, and I think that it is proposed to alter the date of the lodgers' claims from the last day of July to the 25th day of June?—Yes.

614. Supposing a lodger shifts his lodging directly after the 25th of June, say on the 26th of June, he would, notwithstanding the shifting of his lodging, be entitled to vote for a whole year after the 25th of June, if he had sent in his claim?—Yes.

615. One word with reference to the appeal; this miscarriage of justice in your case was, I suppose, an accident?—I believe it was.

616. You do not mean to say that you would suggest any alteration in the law on account of that?—No; but I think that the system of drawing up the cases is very unsatisfactory; I think the case I mentioned is, in point, in that way: that it is extremely unsatisfactory that a case should be drawn up *ex parte*, without any reference to the solicitors on either side.

617. But then, when you ask for a case and get it, you know the ground upon which the case will be stated, because the barrister does not put anything into the case except the ground upon which you object?—That is so; but, at the same time, the stating of the case requires very great care in putting the points of law, and even the facts on which that law is based. There is a very great difference in the way of stating those cases, and it is very unsatisfactory to have a case hurriedly drawn up at the end of a long day and signed at once.

618. It may be altered by consent afterwards, may it not?—It may.

619. For instance, your opponent may agree with you to alter it?—But supposing he does not agree, you have no appeal.

620. Then you leave it with the barrister?—It is the barrister who is to draw the case; what I would wish is, that the parties on either side, if the barrister wishes to draw the case, should have the same voice in it, or else that they should draw up the case, and the barrister should approve it, and that it should not be necessary to do it in court, but that a certain number of days should be allowed for the purpose.

621. You would allow anybody aggrieved by the decision of the barrister to appeal, notwithstanding he might have no case in the judgment of the barrister?—Certainly; I would simply make him deposit a certain amount of costs.

622. Do you know anything about county court appeals?—Not much.

623. Would you make the security about the same?—Yes, I think that would be very fair.

624. With reference to the street list, what do you mean by a street list; I do not quite understand you?—By a street list I mean taking the houses upon one side and down the other.

625. And you would put everybody in that street list?—I would put every house on the list.

626. And the owner of it?—The owner and the occupier, just in the same way as the rate-book is now made out.

627. Would you put in women and paupers?—All I can say is that the overseers' rate-books at present constitute a street list.

628. The overseers make the street list themselves now?—All the rate-books are made out in the form of a street list.

629. *Chairman.*] You do not mean to say that the overseers' rate-book is now an accurate street list?—Not an accurate one.

630. Mr. *Dilke.*] You said just now that there being 19 parishes in the borough of Oxford, as a matter of fact, the list was not made out by 19 different people; but it is a fact, is it not, that under the present state of the law 19 sets of persons are responsible for all mistakes that are made?—That is so.

631. With reference to the revising court, if you had a responsible registration officer such as that contemplated, controlled by some central authority, such as the Home Office, and acting as suggested under rules drawn up for his guidance by the Home Office, or such central authority, do you think it necessary that the revising courts, at all events in their present state, should continue to exist at all?—I think there must be some revising authority constituted.

632. If I understand you rightly, your changes proposed are in the direction of making your list perfect, except upon points of law?—Yes.

633. Are not points of law settled now, and likely to be always settled, by the Court of Common Pleas?—Yes.

634. Therefore, where between the two do you want your revising court?—If you can secure your first list being so perfect that it does allow of nothing but disputes on points of law, I think there would be no necessity for the revising barristers, but I am afraid that is almost impossible.

635. Impossible even under the creation of a registrar specially acting for that purpose, sufficiently paid and controlled, both to prevent his ignorance by rules, and to prevent his partiality by penal enactments; you think it would be still impossible?—I think, if you could get machinery so perfect as that, it might not be impossible. At present there is the difficulty of getting such perfect machinery.

636. What are you contemplating when you say that; are you contemplating the present action of the overseers?—Yes.

637. Which, however, is of a wholly different character?—Yes.

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638. It being purely local and parochial, rather than national?—Yes.

639. In the matter of lodgers, about how many lodgers have you on the register at Oxford?—I forget, but I should think it was about 30 altogether; not very much more than that.

640. Do you think it was on account of the technicalities that accompany their claim, and on account of the necessity of personal attendance, that there were so few who claim their votes?—No, I do not think that; I think the lodger class in Oxford is not large.

641. Your statement that the claimant ought to come into court, if your first list were very good, does not apply to lodgers?—No.

642. You do not see any insuperable difficulty in the way of allowing the lodgers to be registered, at all events of making their claim *primâ facie* good without their attendance in court?—No, I do not think there is any objection.

643. Could not the difficulty in the way of leaving lodgers on the register from year to year, instead of making them claim annually, be met to a large extent, at all events, by making the rate collectors the reporters of changes of residence amongst lodgers?—They might do so, but I think there should be special instructions; we have so few lodgers in Oxford that I hardly know how it would act; at present the collector takes no notice of lodgers, but it might be made an instruction to him to do so.

644. *Chairman.*] You are aware that as far, at all events, as this paper is concerned, it is not proposed that the lodger should cease to claim, but that he should claim at a different period so as to entitle him to notice of objection without compelling him to come into court?—Yes.

645. It is not suggested that the overseer or registrar is to make out the lodgers' list, but merely that the lodgers' list should be published at an earlier period?—Yes.

646. According to your experience of the revising barrister's court, is not the greater part of the time occupied in very trivial inquiries which do not really raise such questions as he ought to be employed to determine?—The questions decided by the revising barristers are hardly questions of law at all. They are often simply matters, I might almost say, of trick between the solicitors on either side, to prove or not to prove some little technical point or other.

647. Mr. *Bourke.*] As to a date?—Yes; or as to whether he has paid his rates, or whether his name is Thomas, and all sorts of absurd points.

648. *Chairman.*] According to your experience, the greater portion of the work done now in the revising barristers' courts, might be done equally well or better elsewhere?—Certainly.

649. And if a better system were established with that view, then the work in the revising courts would become very much less?—Very much less; in fact, there need be hardly any work if the lists are thoroughly well made out in the first instance.

650. So that, in point of fact, the barristers' courts would become little else than courts for settling really disputed questions of fact, or stating questions of law for the Court of Common Pleas to determine?—Certainly.

651. Mr. *Bourke.*] If they are not satisfied, of course?—If they are not satisfied.

652. *Chairman.*] Do you think that the existing state of the revising barristers' courts is at all a satisfactory way of dealing with the claims of voters?—I think it is most unsatisfactory; the people themselves are extremely dissatisfied with it; the remarks they make show that they consider the whole thing to be a juggle from beginning to end.

653. Mr. *Dilke.*] You say that the revising barrister's court, if retained under the proposed system, would be retained chiefly for the purpose of stating legal objections for the Court of Common Pleas?—I think it would certainly come to that if you could once get your original list into fair working order.

654. Do not you think, then, that without the expensive machinery of the revising court, you could get those cases stated by the registrar or by the returning officer, assisted by competent persons on each side?—I have hardly considered that, but I see no reason why it might not be done.

655. Mr. *Bourke.*] But at the same time every question of law might be settled by the revising barrister, and if the revising barrister was a man in whom both parties had confidence, there is no reason why those questions of law should ever go to the Court of Common Pleas at all?—Certainly not; it would only be some very difficult question of law.

656. So that all the other points of law would be settled by the revising barrister's court?—Yes.

657. Mr. *Dilke.*] Do you contemplate when this franchise has been in work for some time, from year to year, that easy points of law will occur? Will they not all have been settled? Will not a practice have been created already, which will determine all the points of law?—There is no doubt the practice has been, to a certain extent, created already.

658. Therefore, there will remain none but difficult points such as the court of Common Pleas would naturally be called upon to settle?—Probably the points that would arise would be cases that would go to the court of Common Pleas. There are sufficient cases decided to guide the revising barristers.

659. *Chairman.*] You have no reason to believe that the arrangements as between landlord and tenant, as to the landlord paying the tenant's rates, are altered in Oxford at all?—No, I do not think they are altered. I do not know of any alteration in them.

Friday, 23*rd April* 1869.

MEMBERS PRESENT:

Mr. Bourke.	Mr. Lefevre.
Mr. Candlish.	Mr. Rathbone.
Mr. Collins.	Viscount Sandon.
Mr. Dilke.	Mr. Wheelhouse.
Mr. Harcourt.	

W. VERNON HARCOURT, Esq., in the Chair.

Mr. Henry Hawkes, called in; and Examined.

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660. *Chairman.*] Are you an Alderman of ...e borough of Birmingham?—I am.

661. I believe you have been quite recently ...wn clerk at Tamworth?—Yes.

662. You have interested yourself a good deal ...out political matters, and particularly regis...ation?—Yes; particularly registration.

663. I believe you act at Birmingham as agent ...r the Liberal Association?—I do, and have ...one so for the last three contested elections.

664. I will ask you first, as an election agent ... long experience, and conversant with the pro...edings in boroughs generally, are you satisfied ... dissatisfied with the existing system of regis...ation?—Dissatisfied, unquestionably.

665. Do you think that under the present law ...e system is very defective?—Extremely defec...ve and vexatious to the poorer inhabitants.

666. Do you think it is absolutely necessary ...nce the last Reform Act, which has introduced ...e rights of the poorer classes especially, that ...me method should be taken to facilitate their ...gistration?—I do; I have found that upon the ...perience of the last registration, which was the ...rst under the Act, which showed the utter im...ssibility of getting on under the present ...stem.

667. To begin with that, do you think that ...e overseers' list, which is the basis of the ...gister, is a very imperfect document?—It is ...ry imperfect, being compiled, as I presume, ...ther from the rate collectors' book, or the rate ...ok.

668. According to your experience of Bir...ingham, and I will add, of Tamworth, as you ...e conversant with both those boroughs, do you ...ld that the rate-book does not supply an accu...te list of inhabitant occupiers?—By no means ...curate.

669. Do you consider, having regard to the ...ate of the rate-book, and the circumstances of ...ses with which you are acquainted, that the ...erseers are the best or proper persons to form ...e register?—I consider that they are in no ...spect qualified for that, their functions being ...tirely different, and their appointment being ...ade without any reference to their competency ... compile any list.

670. In point of fact, the overseers and their ...sistants' attention is directed principally to the ...llection of the rate, is it not?—That is their ...ject; it is, in fact, the one object of overseers ... get as much from a rate as they can; and they can only do that, I suppose, by directing their attention exclusively to it.

671. As people who have studied the subject very well know, Birmingham was a place where the system of compounding for a long time before the Small Tenements Act, existed up to a very high rate upon the houses, did it not?—Birmingham parish, which is nearly four-fifths of the assessable value, has a compound up to 12 *l.* rateable value; the two other parishes to 7 *l.*, or rather in the one case 7 *l.*, and in the other 7 *l.* 10 *s.*, each of them under local Acts; we have never been under the Small Tenements Act.

672. The allowances to the landlords compounding were exceptionally large in Birmingham?—Yes, in Birmingham parish.

673. As much as 66 per cent.?—On the smaller property.

674. In your judgment has the abolition of the system of compounding under the Reform Act led to much hardship and inconvenience in Birmingham?—To much hardship in imposing the payment of the rates in full upon the tenant, who formerly paid nothing; and very great inconvenience from the impossibility of making out lists from the overseers' books.

675. Of course that is the point to which our attention is mainly directed; that leads to great difficulty and contention in the making out of the register?—It does. The overseers, I might say, took very great pains to collect names for this first registration, and in consequence of that we had an enormous registry, but that was very expensive, and I do not know that it will be continued.

676. There is, I believe, a very strong desire in Birmingham that the system of compounding should be restored, is there not?—I think there is, amongst the small occupiers.

677. Therefore, assuming the system of compounding to be restored, in your judgment, would the rate-book necessarily always form a very imperfect list of the occupiers, or small tenants?—If the compounding system simply is restored under our local Acts, the name in the occupiers' column in Birmingham would not be inserted, and practically will not, and we should get no voters at all except the old 10 *l.* voters.

678. In point of fact, the restoration of compounding without some new system of registration, would practically effect the disfranchisement of many of the voters?—It would be the difference between about 15,000 and 42,000.

679. Therefore,

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679. Therefore, unless the present inconvenience is continued, is it your opinion that some new system of forming the register must be devised?—I think so.

680. Are you favourable or otherwise to the placing the formation of the registration in the hands of some single responsible officer?—I have thought a great deal of that proposition; I think it is an admirable one, and in point of fact the only one likely to produce any effectual result, to make one responsible head; how many pairs of hands he is to have under him I do not know or care; but to make one man responsible all the year round for compiling the register.

681. Do you find that the overseers act upon various principles in the formation of the register in different parishes?—I think they leave it exclusively to their assistant overseers, who in turn have to resort to the collectors; but that occasionally, when political feeling is very high, they may give some instructions, and may be biased by their political opinions; otherwise I do not think the overseers take any trouble about it.

682. Is it your view that the hands in which the formation of the register is at present placed, are not such as are satisfactory in the formation of so important a political document as the register?—Yes; referring to Birmingham borough it is not satisfactory because of their other duties. I do not for a moment impeach, but on the contrary I have the highest opinion of, their efficiency in Birmingham, as to what they do.

683. I am not speaking personally, but is the result that of producing, in your judgment, a satisfactory register?—No, unquestionably not. The work of registration obtrudes upon them at a certain period of the year when all the other work is going on just the same. It is a nuisance. It is something out of the common way, and it is badly done in consequence.

684. Have you considered the question of whether or not it would be desirable that what we now call the overseers' list, that is, the first list, should be made in the form of a street list, or of an alphabetical list?—That I have considered. Under the Reform Act of 1867 there are provisions to enable town-councils of boroughs to make districts of that sort. We have discussed that, and although we did not induce the town-council to do that last year, we ourselves cut the borough up into 77 street districts, and we have found the immense advantage of it.

685. So that you did, in point of fact, work your registration from a street list?—Yes; and if we could get the overseers to do that in the first instance, the rival candidates and parties would simply transcribe this list, instead of the expense being doubled or trebled by cutting a parish up into streets.

686. Therefore you would desire that the public officer should do that which private registration agents find it necessary to do for themselves?—Yes, and which town-councils, according to their political bias, will do under the Act of 1867 if there is no alteration made. I think we shall certainly do it in Birmingham.

687. At all events, you think it would be a good thing that that should be done?—Yes, by an official responsible for the list.

688. Have you considered the question of whether it would be desirable or not that claims should be published subsequently to the objections, so as to give an opportunity for amending any formal errors in the objections?—I think that proposition exceedingly valuable, for reasons that I can state. In the first place, access to the list for the purpose of ascertaining whether it is necessary to make a claim or an objection is at present very imperfect.

689. Do you mean in respect to the publication?—Yes; I mean that the overseers have to put these lists upon church and upon chapel doors for, I think, 14 days, and that is the only way in which the working men have access to them. If they do not go to church or chapel, or if going there they are thinking of something else, they do not see it then. Most of these places have outer gates that are locked all the week, and practically the working men in that way cannot get to see whether their names are on.

690. I believe what generally happens at the church or chapel is, that there is a porch with an outer gate, and the list is within the gate, so that unless they look at the list as they are coming out of church they practically do not see it?—No; it is really a farce; there are so many of them. There is the jury list just before, the county list, the borough list, precepts, and a variety of things, so that it must be an accustomed hand, and not the working classes as a body in country places, at any rate, who could go and put their fingers upon their name. Then, as to clerical objections, inaccuracies of description, they would not retain that in their minds, and yet they are exposed to an objection of that sort at present, and the revising barrister has really no power in several instances to amend.

691. Take the case of successive occupation; a man sees his name down for the house and street he is living in, and supposing he has only been in that house for six months, it probably would not occur to him that it was necessary for him to have his former residence down in order to give his qualification?—I have a number of instances of that sort in the last register, and when an objection came it could not be amended. There was another class of claimants who filled up the column with their present residence, and it being proved in cross-examination that eleven months ago they were in another house, that was fatal.

692. Do you think it ought to be made necessary that an objector in his notice of objection should state the ground of his objection?—I think so, unquestionably, and give security for costs; give a deposit or something.

693. That is to say, assuming a competent registrar to put a man's name upon his list, the presumption ought to be in favour of the voter?—Yes.

694. And anybody who seeks to displace his title ought to take the consequences?—Exactly; with regard to claims of course I make the same observation. Claims when once exposed for examination should ripen into votes, unless objections were subsequently filed with the grounds of the objection.

695. I wish to know your opinion upon that point, because there is a difference of opinion about it?—I will show how that bears in Birmingham. Last September, taking both sides, and without reference to party, 3,884 persons claimed as householders (I am not speaking of lodgers), 1,135 attended effectually; many attended besides and waited about for a day or two, and went away. Of the 1,135 who attended, 505 claims were sustained on the merits, and 256 were corrected,

rrected, so that, in fact, 760 were sustained, d 374 failed. I will venture to say that 150 those failed either from that successive occu- tion, or from some objection that was not upon e merits; for instance, a man had been in a use two years, and had paid his rate, but the llector had been too lazy, or too stupid, or too norant to alter the name of a former tenant, d when the matter has been referred to, it is ohn Smith, whereas his name was John Brown, ho claimed, and then the revising barrister has eld (though I believe there is a conflict of deci- ons on that point) that that person, not having en rated, failed.

696. I do not know whether you are aware, t you may take it from me, that the revising rrister could not have put that man's name wn, because, though he has paid his rate, he as not rated?—That is so. It has been held, at where there is a blank in the occupiers' column may be taken to be rated. In summonses for yment of rates before magistrates, it has been ld, and the revising barrister for Warwickshire s held that; but, of course, I do not pretend say that the decisions in the Queen's Bench are l uniform.

697. It has been held that where the occu- er's name is in the occupiers' column, and the w occupier is put by the side in pencil, that ey could not put the new occupier in?—The tent to which I have known the decision go is, at where the occupier's name is left blank, as it were a void house, and the tenant has proved at he has occupied it during the 12 months om July to July, some of the revising barristers ve held (I do not know whether it has been ken up on appeal) that they may assume he was ted.

698. In your judgment and experience, does it equently happen that men who have actually id their rates have lost their vote in conse- ence of their being omitted from, or wrong- lly entered in, the rate-book?—A vast number, course. Even if composition is not restored, Mr. Hodgkinson's clause remains there will be arrangement, in some instances, where the ndlords will pay. Unless the tenants look after , or unless there is an officer such as you have inted out appointed, the old list of names will be pied into rate after rate, and some day, when me one chooses to object, although the rates are id, the collector takes in his money, his books e right, and the man will find he is not rated!

699. With reference to lodgers, is that a matter on which you have had much experience?— ery little in Birmingham; it is a matter, as far numbers go, that is of no consequence in Bir- ingham. Last time we made a great effort on th sides; there were only 440 claimed, 100 of em attended, and those were clerks and gentle- en's sons, and so on, who might have attended, t more than three-fourths of them stayed away.

700. What became of them; did they lose their tes?—They lost their votes. With regard to e claimants, I have given you an account of 100 that were disposed of out of 3,800, and 749 failed for not presenting themselves when eir names were called. The registration lasted ven days, we being stuffed into a little crowded om in the dog-days; it being almost impossible r people to go through such an ordeal as that, erefore I think that the revising barrister's duty, ter having once manipulated the registration, to speak, should be that he should really only have to decide questions of law and fact that were really contested.

701. In fact, what you want is that some local permanent authority, constantly acting, should sift out the list as much as possible before the revising barrister comes?—Yes, and that people should be able to go any day in the year they liked and hand in a name for what it is worth; I would not confine it to a fortnight, or three weeks, or a month; I would let it be perpetual.

702. In the case of lodgers, you would place lodgers in as favourable a situation as occupiers with reference to their claim being published at the same time as the occupiers' list, so that objections might be made?—I think so; it seems very much like claims for county votes, where you have to send in a notice in the first instance, and that must be objected to. Indeed, if you have this permanent officer, when he is in a house making inquiries, he may just as well ask whether there are lodgers or not.

703. He could ascertain facts with reference to lodgers' qualifications, just as he could, in old days, ascertain the facts with reference to the 10*l.* qualification?—Quite so.

704. In old days, he had to ascertain whether the house was worth 10*l.*; so he might ascertain what the rent paid by the lodger was?—Yes; with regard to objections, that, of all things, I think requires alteration. Of course, as the Committee is aware, a person in the list has now merely to sign his name; it is generally some one got for the purpose, and he may sign 5,000 objections. One of the notices has to be delivered to the overseer, and the second is to be posted to the address of the person named in the overseers' list. Now it is obvious, with regard to working men, if they have left the house, even a few weeks before the notice is posted, although living there on the 31st July, the postman getting those notices on the very last day, and altogether taking no trouble, they go back to the objector through the Dead Letter Office. The person, therefore, is not apprised that he is objected to; and consequently, when the list of objections comes to be called over, the persons do not appear. The agent says, "I have proved my notice of objection;" he merely has to throw in his duplicate, stamped by the post-office, which is evidence, and upon that all the names so objected to are struck out; whereas the man has never had notice. It therefore becomes very important that some means should be adopted, and that that wholesale system of objections should not be allowed to continue.

705. Then, I understand, that when claims have been published, in your opinion the objections should be served afterwards in a more efficient way than they are at present, and that those claims which are not objected to should be admitted as valid?—Should ripen into votes.

706. Of course it would be part of the business of the registrar to object to such as he thought disentitled, as well as the business of private parties?—Yes; I would give him a similar power to that which the overseers possess in making out county claims or votes.

707. It would be a protection, would it not, against unfounded claims, if the registrar, who probably might have considered these persons' cases before, and thought they were not entitled, might write opposite to their name "objected," as they do in the county?—Yes.

708. I do not know whether you have more

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than one list in Birmingham?—No; only one householders' list.

709. As a fact, I suppose you only make out one list of the 10-pounders, and one list of the inhabitant occupiers?—One list, without any distinction of the 10-pounders or otherwise. At the end of each list we put the lodgers; that is all.

710. Are persons in Birmingham entered in the different lists for different parishes repeatedly?—They are, and not only in different parishes, but in different parts of the same parish, which is exceedingly objectionable.

711. Would one of the advantages of having a single officer be, that you would gid rid of the duplicate to a great degree?—I think so, if he did his duty. I could name instances of men who make a point of getting in in six or seven of the 13 wards, not for Parliamentary purposes, but still they are on, and they use it in municipal elections, although they violate the law, by voting in every direction in a contest.

712. It is the duty of the overseer in each parish to put every man on who has a qualification in his parish, is it not?—I should think it was; in Tamworth he might be put on eight times, and in Birmingham three times, and properly put on.

713. Mr. *Candlish.*] And necessarily put on?—To begin with, necessarily put on.

714. *Chairman.*] What is your experience of the action of the revising courts; do you think it is satisfactory?—No, I think not; I think it is very unsatisfactory. The revising barristers the last few years, especially the last time, did everything they could to afford accommodation; they even sat in some places at night, and adjourned at the time when it was pointed out that workmen could not come; but with all that you cannot get over a great number of cases in a day, cases that are really contested. The result is, that by the best arrangements, if there are 5,000 objections or claims, the revising barrister has to do all his work in about three weeks, and has to go to a great many places; it must follow, therefore, that they could not all be heard. They wait for three or four hours. Most of those that appear are at once admitted. The agent, when he sees a man there, puts him up; but if he is not there, and sends a witness, or a wife, or someone that trips a little in their evidence, the case is lost.

715. Is is not, consequently, the great defect of the revising court that a great deal of work is thrown upon them which is not the sort of work they ought to do, and which might be better done by other machinery?—Yes, and I should think far better; in fact, it seems absurd for a member of the Bar to come down upon the trifling questions which ought to be decided by a statistical man.

716. There have been numerous cases, such as altering the numbers of a street, or so on, each of which requires to be proved in evidence in order to make the qualification good?—Yes; it appears more so in the case of working men, who in twelve months would be in half-a-dozen houses. If an agent, cross-examining a witness, finds a break of two or three weeks, away goes the qualification, because the occupation must be continuous; it must be residence for the whole 12 months; and the illiterate character of the witnesses, their stupidity, and the blunders in the rent-books, make that quite a source of contention which the officer could ascertain in his own office.

717. And having leisure to do that which now is hurried in the revise court?—That is so.

718. Have you formed an opinion upon the subject of whether the revising barrister ought to have larger powers of amendment than at present?—Yes, I think so; in the spirit of the courts of law, and the superior courts, he should have the most ample power of amendment, which does not take the objector by surprise, so that right could be done without reference to any question of form.

719. You are aware that at present the revising barrister is completely master of whether or not his decision ought to be appealed against; do you think there ought to be a right to take a case, subject to giving security for costs?—I am aware that that is the law. When a case is applied for, unless I am inaccurate, all that a barrister has to decide, is whether he will or will not grant a case.

720. Have you considered the subject of whether or not the costs should be compulsory in the case of the failure of the objection?—My feeling is, that it should be compulsory, for this reason: that in applying for costs, as one has had occasion to do, one finds at present it comes to nothing; there is a feeling of keeping up the court in a friendly way, and the barrister will hardly ever give costs; he will give a shilling or eighteenpence, perhaps, now and then, if a poor man has been there two days, and lost two days' work. I think in many cases, where a meritorious objection is not sustained, costs should follow the event, as they do in every other litigation.

721. At present it is considered rather an unamiable thing to give costs?—Yes, it is considered ungracious. If the revising barrister had no discretion, I think he would be very glad.

722. Do you think the working men would be much more disposed to attend to support their claims if they felt confident that where their claims were good they would get their costs?—Yes, I should think it all-important. I am quite certain they cannot afford to give their 3*s.* or 3*s.* 6*d.* a day to attend sometimes two days; it is impossible that they should do so.

723. Have you considered the question of whether or not it would be a good thing that there should be some authority given either to the Court of Common Pleas, or the Home Office, or some other authority, to have a general control over the action of revising barristers so as to ensure uniformity of conduct and procedure?—If it is found that the Common Pleas, as at present, has not sufficient authority. There is great diversity of conduct in the matter of procedure as well as in the decisions, as we know.

724. The Court of Common Pleas has absolute authority over the legal questions, but at present the Court of Common Pleas, I believe, has no power to make what in courts of law are called general rules for the government of the conduct of revising barristers; do you think it would be a good thing that they should?—I think general rules would be a great assistance.

725. Have you seen the Paper which I have in my hand?—I have.

726. I will not ask you in detail, but have you considered the suggested dates for the alteration of the different stages of the procedure in registration, and do you approve or disapprove of it?—The principle is generally of enlarging time

It says, "June 25th," but I think it should be "Midsummer" instead of "31st of July." I think both the propositions in that Paper are changes for the better; I am certain that that as to enlarging the time is, and I wish it were even more enlarged.

727. Mr. *Rathbone.*] Do you not consider that it would be a desirable protection against frivolous objections, that before objections are allowed to issue, they should be submitted to the revising barrister or magistrate, and that a *primâ facie* foundation for such objections should be made out, as is done with summonses?—I do not see how that would be practicable; the revising barrister would not be accessible.

728. He might attend to two different cases. It is quite practicable in that way, and it would be desirable?—I should hardly like to recommend it, till I had seen the effect of imposing a deposit for costs first, to see whether that would be sufficiently stringent. It would be putting on the objector four stages: first, to go to the registration officer to make his inquiry there, then to the magistrates we will say, and then to the revising barrister, and then to attend the court. Anxious as I am to weight him pretty well, I think that would be rather too much.

729. We have not got a registrar; if we had this might be unnecessary. Supposing we have not got a registrar, do you see any more objection than there is where you have five or six hundred summonses in large towns which are laid before a magistrate, the grounds stated, the summonses then issued—is there any more difficulty in the case of registration than there would be in the case of summonses?—No; it would be somewhat similar to taking out a summons before a magistrate for some complaint, or a county court plaint; but, without having had an opportunity of considering it before, I can only say it seems to me to be rather stringent. I would rather see it than that the present system should continue.

730. If you cannot get the registration officer, then you would think this a desirable alternative?—I should certainly like to try it as an improvement.

731. You mentioned fixing a rate of costs?—Yes.

732. Would it be desirable, in case of such a provision, that a day should be named in the summons on which the voter should attend, and that if he were kept more than one day, he should be paid at the rate of so much per day for costs?—I think he should have an allowance for costs according to the time that he had necessarily attended.

733. Mr. *Wheelhouse.*] In the first place, I would ask you, with regard to successive occupation, would it not be well, and might it not be done, to put a claim in as merely successive occupations, "but now of So-and-so?"—Yes.

734. Without naming the street or the place from which the individual came to his new residence, would that, in your opinion, be sufficient for the purpose?—If that were made sufficient for the claimant it would put the objector then under the difficulty of making inquiry for information which he now possesses.

735. I understand you to say that a claim ought to be permitted to ripen into a vote; if not objected to, might not that swamp the register in this way, by a number of false claims being sent in, which false claims were not sufficiently subject to examination?—Unless the machinery to enable parties and the officer to examine the claims was made effectual that might be the result.

736. Not only effectual but very effectual, if I may use such an expression?—Yes; one would think that the officer has a right of objection, if he found a number of claims to come in wholesale; it would startle him, and he would immediately make inquiry, and mark them as objected to.

737. In your register, where there are duplicate claims in each of the wards, that is, two qualifications in each ward, is not practically the plan to bracket the two together: "John Smith, 12, Bedford-row; John Smith, 15, Swan-street," with the occupation in each instance, but a bracket to know that it is the same John Smith?—It is not the practice in Birmingham, for this reason, that the place of qualification is different, and therefore they could not be bracketted together.

738. The name might be bracketted if it were the same John Smith, the name would follow?—As a matter of fact it is not done in Birmingham.

739. But it could be done?—It could be done quite easily.

740. That would show, at all events, that that man had only one vote for the ward?—Yes, it might expose him to an attack upon all those descriptions, and if any one of them failed it might throw him off.

741. If he were not bracketted he would still be open to those precise objections on each of them, would he not?—Supposing he were on for six times, and were objected to on five, and those objections were fatal, he would still walk away and say, "I have my vote, because you have not objected to my sixth place." If you keep them together and attack him you might upset him.

742. You say you think the costs should in all instances follow the event; might not that have this result: that it might cause the objector to be a sort of objector general, and to be a man of straw; so that, although the revising barrister might order costs, or costs might follow the event, still there being no person from whom practically they could be got, it would place the matter in a still worse position, and make confusion more confounded?—That was the reason I suggested that he should give substantial security for costs in the shape of a deposit; or, if that were thought wrong, I would say that there should be some penal consequence as for poor's rates if they could not get the costs by distress.

743. *Chairman.*] The proposal to make a deposit for costs would entirely meet that?—Yes.

744. Mr. *Wheelhouse.*] My difficulty with regard to the deposit for costs is this: take your own borough of Birmingham, which is a very large one, as we all know; do you consider it necessary to deposit a lump sum or to deposit so much for each house before it came on, or how would you do it, because it would take a very large sum to deposit for costs?—Yes; but still I should consider the objector dealing with A B as one person and one transaction; and if he chooses to deal with C D, and E F, and assail them, I should make him pay as many times. If there are 500 objectors against 500 claims it would not be hard, because it would be only, we will say, 5 *s.* a piece; but when one man says "I will assail 500 people," why should he not

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put down 500 sets of costs? that is the course of argument that suggested itself to me.

745. Do you suppose, then, that such deposit would be paid by the individual, or would be paid at the instance, say, of some registration association?—Yes; they would get a man to come prepared with objections; some one is fixed upon who would stand a good deal of joking or jeering, and at the same time does all the rest of the work.

746. A man who could not stand a good deal of pulling of his purse generally?—Yes.

747. *Chairman.*] I suppose there would generally be somebody quite ready to find the money?—Yes, and there is always some one delighted to sign, who likes to be in that position.

748. Mr. *Wheelhouse.*] I think you say that a great many stamped objections find their way to the dead-letter office, and the person who has been objected to hears nothing of it until he finds his name put off the list; does not that really resolve itself into this, that the postman has not done his duty?—No, I think not; Parliament says you shall send your notice of objection to the person at the place where he is described as residing on the 31st July; but the objection need not be served until the 25th August, although he may have left there, or, in fact, he may have left long before the 31st July. Supposing he was there on the 31st July, and supposing he left on the 10th August, the postman says, "I do not know this man," and it is then his duty, I fancy, to take the notice back to the dead-letter office; of course there is a list of objections, and it may be said, "You could go and look," but my objection to that is the same as I gave before, that you cannot get at those lists.

749. Is there any reasonable remedy that you could propose which should do away with the fact that all that is considered necessary is merely the posting through the post office, and the subsequent evidence given to the revising court that such posting had taken place?—Yes; I think that it is only in the last Registration Act that that system of posting was adopted. Formerly it was service of notice and production of duplicate; but that was found highly objectionable, because the sort of man who had to serve these things committed perjury wholesale, and did not serve them at all. I can only say this, that no court should be satisfied that a notice had been served on a person who has an interest at stake without having some common-sense evidence that the notice reached the person that it was intended for. I cannot suggest what it should be.

750. Would you have what is commonly called in the larger boroughs, or in some of them with which I am acquainted, a service officer, a responsible member of the detective force, for all such things?—I think that probably might be better; but I know that there are service officers in county courts who serve summonses there; and where there is a great deal of business I do not think it is very satisfactorily done.

751. I know you cannot guard against perjury altogether?—No, nor negligence; but that would be an improvement.

752. Is there any better plan which you could devise than that of a service officer?—The number of persons is the difficulty. I think in serving a writ you must have service and an affidavit, and anything short of that is defective.

753. Still a service officer would be an improvement?—It would. I think the posting is mere nonsense, with regard to workmen in courts.

754. Mr. *Collins.*] I suppose where the post fails in that way, it is in the case of persons who left the residence which qualified them between the 31st of July and the 25th of August?—Yes. I have no doubt that political agents go round and find that the persons have left, and they know that a notice sent in that way will be fatal.

755. Supposing they had left before the 31st of July, with reference to the new suffrage their votes would be bad?—Yes.

756. Therefore, as far as that goes, there would be no injustice to the voter?—No; they merely get struck off without having the trouble to fight.

757. Then the injustice is limited to that number of voters who have left between the 31st of July and the 25th of August?—If the objection points to that, certainly, except in this way, of course. I can give you an instance of streets where there are no numbers to the houses, and where there are 400 or 500 houses, without counting those in courts. With a young letter-carrier I do not believe even then there would be a perfect delivery.

758. *Chairman.*] The objection must be made with reference to that which appears upon the overseers' list, must it not?—Yes, as served.

759. The residence that appears in the overseers' list is taken from the rate-book?—That is so.

760. And it may be a residence a long time previous to the 31st of July, may it not?—It may.

761. Therefore it is not confined to the 31st of July, but it is the residence which happened to be in the rate-book when the list was made out?—That is so; but the honourable Member asked me whether, if the person objected to lived in his house on the 31st of July, the postman would not find him, and therefore it would only be a defective delivery for the 25 days.

762. Mr. *Collins.*] The overseer makes out the list of those persons who in his belief were on the 31st of July residing in a particular place, does he not?—I think we are wrong about the date, the 31st of July.

763. *Chairman.*] That is what he ought to do?—Yes.

764. Mr. *Collins.*] His duty is to put on the church-door a list of persons who on the 31st of July were residing in a particular place for which they were qualified?—Yes.

765. *Chairman.*] As a fact, what he does is to put down the man he finds in the rate-book, and the residence that he finds there?—Yes.

766. Without any personal examination of where his residence was on the 31st of July?—Yes, that is so; that would be a bad vote unless the claimant put in another claim.

767. Mr. *Collins.*] If he changed his residence?—Yes.

768. If he had got another qualification he would have to claim for it?—Yes.

769. It was suggested whether it would be sufficient where a person changed his qualification to place merely the words "successive occupation;" would not that place the objector in a very difficult position if a man had been for six weeks in a particular house and he were to put in "House, Bargate, occupied in succession," when he might have occupied a score of other houses

uses during the previous twelve months?—As said before, I do not think it would give the jector a fair opportunity of forming a judgment.

770. The present law, in your opinion, is rrect, which requires that the subject-matter of e qualification should be put on the list in order at persons may know for what the voter proses to be qualified?—Practically I may say is, that the overseers do not do that.

771. I am not asking whether it is done; the w, in your judgment, is right which requires at to be stated on the list?—I think so.

772. As to giving discretion to the magistrates, you think it advisable to mix up the magistes with *quasi* political matters?—I should not e a magistrate to be so mixed up. The ques-n about the voting papers did arise in 1867.

773. In that case I believe they were merely act ministerially, and not judicially?—Yes.

774. Therefore, it would be a very strong thing they were to act judicially as to whether a mmons should or should not be granted?—Yes; hink the honourable Member put an alterna-e, "or the revising barrister;" it would be ite germain to him to sit.

775. I understood you to say that you thought, all cases, costs should follow the event?—I d, as a rule I thought so.

776. Would you compel a voter who was obted to, and whose vote was struck off the list, pay costs?—If he did not give notice to the jector that he should not defend. I would give n the same opportunity that we have in all tentious legal proceedings, of retiring.

777. Before the revising court comes on, you uld give a form to any person who was obted to, by which he would give notice to the jector that he did not intend to defend his te?—If he were a claimant.

778. Supposing he were put on by the over-r and were objected to, in that case, if costs re to follow the event, he would be compelled pay for the *laches* of the overseer?—It was t put to me that the overseer would have anyng to do with it. The question was put in this pe: supposing you have this responsible and partial officer.

779. Supposing this impartial officer made a stake?—I do not think that he should pay sts, then.

780. The costs would not follow the event, if e responsible officer made a mistake and put a ong name on, as the overseer does now; the jector, if he were successful, would not recover sts?—No.

781. Costs would only follow the event on one le; it would follow the event in case the voter ceeded in getting his vote; but in case he led, the objector would not recover anything? The rule I would go upon is this: if A voluntily came forward to assert a right to vote, or B luntarily came forward to contest that right, en, as a rule, if the question were decided on merits, costs should follow the event; but if e officer appointed by law puts that man forrd, I think it would be going too far to say at.

782. There would be no reciprocity?—I only t it in the case of two people both being lunteers.

783. You would not allow reciprocity?—I uld not be prepared to recommend it at esent.

784. You qualify your assertion that in all cases costs should follow the event?—If I made it so broadly I qualify it; I intended only to make it in the case of volunteers, in the shape of voluntary claimants or objectors.

785. In the case of persons put on by a public official, no matter whether overseer or other person, would you throw upon the objector the onus of proof to begin with, that he should make out his objection?—No, I would not; I think if he stated his grounds of objection, that then the rule of proving the affirmative should be upon the person whose right had to be sustained.

786. I understood you to say that it was just as easy to ascertain the qualification as a lodger as it was under the old law to ascertain the 10 *l.* value qualification?—The inquiring officer being in the house, I think would have no difficulty whatever in ascertaining the fact of there being a lodger, and getting some evidence that he had been there for 12 months.

787. Is there not this material difference, that he has the rate-book to go to as to the value of a house under the old system, whether it was or was not a 10 *l.* house, and he has not the same means of ascertaining from an official document the precise number of rooms or the precise rent that a lodger might pay?—No, for this reason, although the nett annual value and the gross assessable value are evidence as to the value, yet rent is a material ingredient in the evidence, and rent is generally taken when a person is examined as to any deductions or allowances he might make.

788. *Chairman.*] You mean the rack rent?—The rack rent. A four shilling a week house under the old system was taken by all our revising barristers to prove a 10 *l.* occupation, although the rateable value would only be 6 *l.* or 6 *l.* 3 *s.*, or 5 *l.* 10 *s.*

789. Mr. *Collins.*] You would have from some official document some knowledge of the probable rent of a house?—So he would in this case; he goes into a house, and says, "What is your rent"? "4 *s.*" He sees a lodger there, "What do you pay"? "15 *l.*" "What rooms do you keep"? "That room, and two bed-rooms." If he refers to the rate-book, he can see the description of house it is, and he can, in his mind say, I think that is a fair, or an extravagant, rent, which the man has told me.

790. Has he any public document by which he can ascertain whether any of this rent is paid for attendance or for furniture?—No.

791. We must, therefore, depend entirely upon his own information, gathered from the lodger or the landlord, and not from any public authority?—Quite so, and that is where collusion to a great extent exists.

792. Therefore, there is that broad distinction between persons voting in right of an occupation for a rated tenement, and persons voting under the lodger franchise?—Unquestionably; to fully investigate the lodgers' title it could not be done. I certainly thought I was replying to this question—Can a public officer ascertain that there is a lodger there who asserts a claim, so as to make out a list, rather than compel him to send in a claim under this Act of Parliament?

793. There was this distinction, that in the case of the person voting as an occupying tenant, that is a matter of public knowledge which he can derive from the rate-book; but with reference to the lodger, it must be merely a lodger's or a landlord's own statement as to what rent he pays?—Quite

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—Quite so; but then he must also state the number of rooms, and what rooms.

794. Still it amounts to his personal statement? —Yes.

795. It is the overseer making out the lodger's claim for the lodger?—In each case it is the personal statement as to the amount of rent.

796. But not as the householder under the new franchise?—I was referring to the old practice.

797. The new practice supersedes it, except as to warehouses; it entirely supersedes the old practice because it embraces it?—Yes; your examination, I think, began by saying that you were referring to the old system by which you would ascertain the value; it is idle to compare it now because every householder is a voter.

798. And that is a knowledge which the proposed registrar or the overseer at present from his own published rate-book can ascertain pretty accurately?—Precisely.

799. *Chairman.*] You are aware that, apart from the inhabitant franchise of a dwelling-house, there still remains the 10 *l.* occupation where the person is not the inhabitant of the tenement?—Yes.

800. How is it now ascertained that that occupation is worth 10 *l.*; is that ascertained from the actual facts apart from the entry of the annual value in the rate-book?—In all instances it is ascertained by oral evidence.

801. The annual value so entered in the rate-book would be no conclusive proof of the 10 *l.* occupant's value?—No.

802. Mr. *Collins.*] I suppose the gross estimated rental column at Birmingham is a tolerable gauge of the value of property at Birmingham?—I think very fair.

803. Since the action of the assessment committee, I suppose it is a fair gauge of the actual value of property at Birmingham?—The acts under which assessment committees have been formed have not yet reached Birmingham parish. There is a local Act, and they keep a surveyor; an assessor, who makes it out.

804. However made out, it is a substantially and tolerably accurate gauge of the value of property in Birmingham?—The gross assessable value is almost equal, I think, to the rack rent, but not quite.

805. The number of persons qualified under what I may call the warehouse clause, where they run close upon 10 *l.*, I suppose, will not be very numerous in a place like Birmingham?—I think not.

806. They will be very far above 10 *l.*?—Most are connected with the house in some way.

807. Therefore, practically, the question would really arise in Birmingham as to disputed points, whether the warehouse qualification is or is not of the value of 10 *l.*?—So far as the 10 *l.* clause still remains, it would.

808. Birmingham is under some local Compounding Acts, I suppose?—Under three.

809. Since the abolition of compounding in October last, are you aware whether, in any of the parishes of Birmingham, the rates are still collected from the owner?—I know very little about that; there is a witness in the room who, I think, is most competent to answer; I have no doubt that it is so to some extent, but I have but very little experience as to that.

810. Under the old system, in Birmingham, what proportion did the landlord get as a bonus? —In Birmingham parish the compounding was up to 12 *l.* Up to 5 *l.* he got a bonus of 66 per cent.; up to 8 *l.* of 50 per cent., and up to 12 *l.* of 33 per cent.; it is in thirds, in fact.

811. Therefore, there was a great benefit under the old system, to the owner by compounding?—I think so; I think the Birmingham Compounding Act altogether is a most shameful piece of legislation.

812. Sixty-six per cent. he had remitted, and only paid one-third of the rates?—Upon all his houses.

813. One-third of the rates under 5 *l.*; one-half of the rates under 8 *l.*, and two-thirds of the rates under 12 *l.*?—Yes.

814. In your opinion, was that a mode of compounding which was very advantageous to the owners of house property?—It certainly was most unjust to ratepayers above 12 *l.* It was an Act passed 40 years ago, and 10 or 15 years ago we got Compounding Acts with the other parishes of a very different character, and which just left the 10 *l.* householders out.

815. *Chairman.*] I do not think anybody proposes to restore the old Compounding Acts of Birmingham?—I hope not.

816. Mr. *Collins.*] Under the law as it now stands, you are aware that the landlord is not entitled to any benefit whatever; there is no inducement held out to him to make himself primarily liable for the rates of his tenant?—No; he has only some interest now in keeping his tenants, and he cannot do that without some arrangement is made; the tenants will not stop if our heavy rates are laid upon them for six months; they walk out of the house before you get an order of the magistrates upon them, and they will do so.

817. You think the landlord will be obliged to indemnify himself, by paying the rates himself and charging them to the tenant?—In some way he must. I have sat as chairman of the corporation assessment committee, and applications made by the landlords to get within the composition have been very great, because they say, "We can let the house if the tenant has nothing else to pay," but they want a large margin in the profit of collecting.

818. Having had this large margin, they want to get a large slice back again?—No doubt.

819. Mr. *Candlish.*] Have you the same objection to the Small Tenements Rating Act that you have to a local Compounding Act?—No: you mean the one up to 6 *l.*?

820. Yes?—No.

821. You see no objection to that as an economical measure?—It only goes up to 6 *l.*, and it preserves the municipal and political franchise. Our local Act sacrifices all the franchises, and goes up to 12 *l.*

822. I understand you to hold that no objection should be sustained or sustainable before the revising barrister of which notice has not been given?—Yes, so as to reach the person objected to.

823. You would make it compulsory that notice should set out the nature of the objection —Shortly, in substance.

824. And you would compel proof of delivery?—Yes; I do not mean of any particular description, but such proof as, in the discretion of a judge sitting as a revising barrister, he should think fit.

825. *Chairman.*] Would it meet your view

it were part of the business of the registrar, by somebody appointed by him, to serve the rice of objection, if he were made responsible the person who served the notice?—That was nted out by the honourable Member. I ught it was a far better system than at present, I should leave it in the breast of the judge say, according to the English law, has this man notice?

826. Mr. *Candlish.*] You would compel proof service precisely as the law now compels proof service of a summons before a hearing by a gistrate?—Yes; it should be something that uld satisfy the judge.

827. Would you make these conditions pre-lent to any objection being entertained at all? think so.

828. With reference to the onus of proof, uld you hold it to be the duty of the elector ced on the register by the registration of-r to prove his claim, or would you place onus of proof on the man only who claimed be on the register; would the fact of a er being placed on the register by the officer pointed to that work, whether the overseer or ne registration officer, be a presumption in our of the vote, and should not the proof in t case devolve upon the objector?—I still nk that is such a departure from the mode of al in England, although he were put on after ne inquiry; I think if he had fair notice of jection, and chose not to withdraw, he should gin to build up his case.

829. I want you to recognise this fact; we gin with this: he is put on without any refe-nce to his own wishes by the operation of the w; should not it devolve upon any one object-g to sustain his objection by proof?—As a wyer, I am still bound to say it would be such innovation that I should not be prepared to pport it.

830. Is it an innovation upon the analogies of r law?—I think so.

831. This man does not claim at all; is not presumption in his favour, he having been t there by the officer whose duty it was to ke out the register?—A man signs a promis-y note, and admits that he has signed it; but says, "I have another defence;" still the intiff's case must be launched before the de-nce is gone into.

832. I will not press it further; that is your inion?—It is.

833. Clearly you would hold that a claimant, distinguished from one who has been put on register without claiming, should prove his im?—Certainly.

834. You have been asked with regard to the pense; if, on the same ground which I have eady set out, an elector is put on the list with-t his own action at all, by the operation of the w, you would see no reason in his being called on to pay the expense, in the event of a suc-sful objection being made?—I have already plied that I do not think he should be called on to pay that expense.

835. That being your answer with regard to ts, does it not weigh with you somewhat in ur opinion as to who should sustain the burden proof of the validity of the vote?—I found the w I take as to the mode of conducting the quiry upon the general convenience of the rmative, being advanced and proved.

836. You hold that his being on the register, and placed there by the public officer, is not a presumption in favour of the vote?—It may be a presumption, but I do not think it is a case to go to the jury, so to speak; it wants something more than that, and therefore I think that something more should be added by the claimant.

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837. You think he should, notwithstanding, be compelled to prove his claim?—I think so.

838. Rather than that the objector should prove his objection?—At present I feel inclined to abide by that opinion.

839. It has been pointed out to you that there is no mutuality in the matter of expense, but the voter being placed there by the operation of law, and not by his own action, is in a different position from the objector, who initiates his own action without the compulsion of law?—I think that distinction is very clear; in the one case two volunteers come and say, "We will have a contest about this vote, and whoever loses shall pay."

840. In all cases where the objector did not sustain his objection, you would place the costs against him?—I should do it as the judges do now; it is the general rule.

841. How do you make out your register in Birmingham; you have three parishes or districts in Birmingham, have you not?—Three parishes, that is to say, two parishes wholly within the borough, and one parish partly within it; therefore there are three lists.

842. And three classes of officers?—Three sets of overseers, and three sets of precepts to be served by the town clerk, and all that.

843. That is now made out alphabetically?—The electors are placed on the list alphabetically.

844. Without reference to residence?—There has been a change in the last list, which I think the chairman of the board of guardians can better explain than myself. I am afraid I may not be quite accurate, because I have not referred to it. It was quite true that up to two years ago the list of the parish of Birmingham began and ran right through the letters of the alphabet.

845. From 1 to 40,000?—Yes. In the list made out for the registration on which the last election took place, I think they were made out in wards; in 13 lists; because the town council, under the Act of 1867, had made them election districts.

846. *Chairman.*] They would still be alphabetical lists within the range of the wards; not street lists?—No, not street lists.

847. Mr. *Candlish.*] Although divided into districts, within these districts they would be alphabetical without reference to residence?—Yes, certainly.

848-9. Would it or would it not be an improvement to have street lists instead of alphabetical lists?—That I quite concur in.

850. The rate books are now made out in streets, are they not?—It is so.

851. If the register were made out in streets, it would be a mere duplicate to a certain extent at least of the rate book?—Yes.

852. Now they have to be transferred from street lists into alphabetical order, but that entails an increase of expense, does it not?—It does.

853. It would follow that street lists would be by far the cheapest way of making out the register?—Unquestionably. In fact the complaint, especially of the Birmingham overseers, is that they go to their rate book; it is in streets, and have to throw that into an alphabetical list of persons. Then the complaint of the election agent is, that when

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when they have got these prepared lists, they have to turn them back into street lists.

854. The process, in fact, is this: it begins in the hands of the overseers, in street lists; it is put, for registration purposes, into alphabetical lists, regardless of streets, and then for political purposes it is put back again where it was into street lists?—Yes.

855. You think it to be very obvious that it would be cheaper, and more convenient to keep it in its original form; in street lists?—Yes; I think that a very great improvement.

856. Have you any knowledge of the cost of preparing your present register?—No.

857. You cannot speak as to the relative cost at present, and what it might be if there was a registration officer appointed specially for the purpose?—No; from the best inquiry I can make, I do not think the expense would be appreciable, because they must employ additional hands, and they are amateur hands so to speak, whereas a small organised staff would do so much more work. Now the town clerks receive a certain remuneration, and all that would be done away with.

858. You do not know what it is, do you?—No; it is a very small sum, but still it is something.

859. If there were a registration officer specially appointed, would there be any inconvenience in giving that officer constant official access to the rate book?—I do not think there would. In fact, now, every ratepayer has access, therefore an officer would not be vexatiously interfering with them. I think he ought to have such access, without it he would be of very little use.

860. Have you many duplicate entries at present in Birmingham?—Great numbers.

861. Do you know what number?—I should say 2,000 out of 42,000.

862. Five per cent. in point of fact?—Yes.

863. You would obviate that duplication, if you had a registration officer?—I think a clever man would obviate it; I do not think he would do it all at once; it would be gradually reduced.

864. You think the publication of the present lists on church and chapel doors is imperfect?—Yes.

865. I think you have not made any suggestions by way of improvement?—I have not.

866. Does it occur to you to suggest improvements?—My suggestions would be very crude; I should not care to obtrude them at this moment on the Committee. There are various modes of exhibiting these things.

867. *Chairman.*] Assuming a town like Birmingham to be divided into district wards, might it not be left to the registration officer to select particular houses at which to exhibit the lists, which might be most convenient for the purpose?—I think, even independently of him, Parliament should provide that there should be ample publication.

868. Parliament cannot very well deal with anything but public buildings, but it might be that a private building might be a more convenient place?—Yes.

869. Mr. *Dilke.*] Would post-offices and police-stations do?—I think the police-stations would very much assist us, and unquestionably the small post-offices would.

870. Mr. *Candlish.*] With regard to the duties of the revising barrister, would you not by law invest him not only with permissive but with a mandatory power of correcting all technicalities?—I would give him the fullest power.

871. As to the description, number, and change of residence, you would invest him with that power?—Yes; I think if a judge can put a plea of payment on the record now-a-days, any revising barrister should have large powers.

872. If there was obviously a qualification in substance, would you impose it upon the revising barrister to correct every irregularity of form?—Unquestionably it should be left to his discretion.

873. Have you in Birmingham houses containing more than one tenant, to any extent?—Not to any extent; the system of lodging-houses and living in flats does not prevail in Birmingham. In fact, we have cottages spread over an immense surface; we have an assessment of 55,000 to 65,000 in a population of 350,000.

874. Do you think the law should remain as at present disqualifying the elector by removal; should change of residence be a disqualification?—That is after the 31st of July?

875. No, the removal now would disqualify. An elector must reclaim in order to be inserted: is not that the law?—It does not disqualify if he removes into another house within the borough.

876. It does, unless he reclaims, does it not?—It involves the necessity of his either reclaiming or doing this; he should go to the overseer, and then the officer inserting it in his lists originally, there is no necessity for a claim.

877. Would not you impose it as a duty upon the officer?—Certainly, because this person would in fact be a qualified voter.

878. Then, on the whole, you think a registration officer would be an improvement upon the overseer?—I think so.

879. And the street lists would be an improvement?—Unquestionably.

880. And the revising barrister should have it imposed upon him as a duty to correct technicalities?—To enable him to get at the fact.

881. And he should be compelled to allow costs when an objection fails?—As I said before, as a rule, when the contention was on the merits, the costs should abide the result.

882. And he should be compelled to allow an appeal?—Unquestionably.

883. Mr. *Bourke.*] Do you think in a large borough like Birmingham one officer would be sufficient?—I think he might be.

884. Would you propose that he should be an officer who has already duties to perform connected with the borough, or would you propose that his whole time should be devoted to his registration duties?—I should unquestionably prefer that the responsible officer should have nothing else to do, and that he should be doing this all the year round. It should never come upon him as a press of business, in July or August.

885. That would apply to small boroughs as well as large boroughs?—There again, in a small borough, it is obvious that one-tenth of his time would not be occupied.

886. In small boroughs you would not suggest that his time should be entirely devoted to those duties?—No; I could not ask that the town should have that expense inflicted on it. I am speaking of Birmingham, Manchester, Liverpool and Leeds, where I should say he should do nothing else, and he should be well paid.

887. With regard to the absolute and ministe-

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terial duties performed under the registrar, they would, of course, be very minute and very much like what the overseers do at present?—They would be done by the collector of rates, in fact.

888. Just answer my question first, and then I will deal with the other; those duties would be very minute, would they not?—Do you refer to the persons under the inspector?

889. Yes?—It would be chiefly of a clerical nature, writing down and then transcribing lists.

890. They would have to find out who the voters were, they would have to go round to each house, would they not?—At present, if you have an officer, an inspector, employed all the year round, I do not think it would be beneath his dignity to make those inquiries personally.

891. Do you think that this officer himself could perform those duties which are now performed by the collector and the assistant overseers?—No, not all; at first the clerks under him would transcribe the last rate in order to get something into his office.

892. You would suggest, in the first place, he should have clerks?—He must have either clerks in his office or he must employ persons who are doing something like registration business in the borough, who could give him some assistance of that description.

893. Let us suppose for a moment that you or I, or anybody else, if you please, were this registrar, what would you suggest I should do as the first thing, in order to begin making out my lists?—I should take the last list; I should examine that, and make up my mind from that where the work lay, in what parishes, and so on.

894. Would you take that list as correct at present?—No.

895. Will you kindly tell us how you would propose that this gentleman should begin to perform his duties; he would take the old list in the first instance; would he take that old list as correct?—I do not think that he ought to do that; the object of taking the list would be that he might, coming into a new business, look at this and see what work was before him.

896. In order to know whether it was correct, and whether his work was well done or not, must he not test every man in the list to see whether his qualification was good or not?—Yes, having got that list he should then transcribe by his clerks the last rate or two; I think he should then have an opportunity of giving immediate notice, not waiting till July, but beginning from the 1st of January, with his office open and his officers there so many hours a day, inviting all persons to come and look at his lists; then after some months getting towards the period of registration, after such inquiries as the clerks whom he could afford could make, and from personal inquiry he should then certainly launch that as his list.

897. You would have to send round to the different streets to find out whether the people were there, or not?—I do not think that it would be all done in the first year; but supposing this is going on year after year, I think in five years time, you would get a splendid list if you keep a good set of officers.

898. Do you think under the new system you propose, that in Birmingham it would take five years to make a splendid list?—No, I did not say that; I said you would have that list in five years; I rather pointed to that as the time when it would be likely that we might have an election; every year it would be getting better. It would take two or three years certainly, I should say. The distinction I propose to impress upon the Committee is this, that the officer whose mind was upon this matter, and whose living depended upon it, who had nothing else to do, would certainly be far more likely to send out the proper list to be investigated by the revising barrister than the clerk to the overseers, who is always an overworked man in his ordinary business and upon whom this registration nuisance comes without any additional remuneration just a few weeks in the summer time; I do not know how I can better put it than that the one officer would be more likely to make a better list than the overseer.

899. If he had nothing else to do?—If he could go leisurely on with it.

900. You would spread these duties over the whole year?—Such of them as could be spread over the year. Of course, you could not in January ascertain whether a man would be there in June. But there are certain things, such as obtaining a knowledge of landlords, and a variety of other things, which might be done. I should say there are rent collectors in Birmingham who collect for a vast number of important landlords; I do not mean small-house-property people. In two or three years he would get on such terms of alliance, so to speak, with these great house agents, that he would get material assistance if he were a man of tact and ability.

901. It requires special knowledge?—Yes, a great deal.

902. Do you know of any people who could perform those duties better than the rate collectors?—Yes; I am speaking now of Birmingham, Aston, and Edgbaston. I think the rate collectors are all overworked and underpaid in their ordinary work, doing the work that their name imports, namely collecting rates.

903. They are paid by the ratepayers, of course?—Yes; by the board of guardians.

904. By whom would you propose that these new officers should be paid?—That is a subject which my attention has not been turned to. I do not know whether there is any scheme on foot for a general fund, but at present the registration is paid out of the poor's rates.

905. Do you think that this scheme which you have shadowed forth would be more expensive than the one which exists at present?—I do not think it would.

906. You think the collectors are now underpaid?—Yes; I think the collectors now, considering the duties, the temptations, and the bonds they have to give against embezzlement, and so on, are underpaid. A more deserving class of persons do not exist in Birmingham. There are eight collectors in Birmingham parish, where there are more than 200,000 inhabitants. By those eight it could not be done well, I think. They would go to a court, and would not go again for six months, perhaps; in fact they cannot do it.

907. Would you propose that the persons who are to perform those duties under the new system should be better paid than the collectors are at present?—No; but I consider that during the year it is a register that is being self-made. I believe that more and more, every year, as the working classes become alive to their interests, a vast

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vast mass of information will be voluntarily furnished by claimants, and by their landlords.

908. That would make the duties of these people much less heavy?—I am speaking of a central office where they will go not to a poor-rate collector, or anything of that sort, but to the person who is to give them a vote for a Member of Parliament, and I believe they will be more and more attracted there every day.

909. With regard to the street lists, would you make out the street lists, in the first instance, before the lists were put upon the church door and police office, or wherever it was?—I am not thinking of a street list, independent of what we now call the overseers' list; I am speaking of a list which is to be exhibited as the formation of the register, unless assailed.

910. Instead of the overseers' list?—Yes, the only difference being that it shall be Mr. Registrar's list; instead of being made out alphabetically it should be made out in streets.

911. Mr. *Dilke.*] In reference to obtaining information from the landowners, and the restoration of compounding of which you spoke just now, could not the landowners who take advantage of compounding be made to send in the tenants' names under a penalty of losing the advantage of compounding if they did not do so?—No doubt a law might be passed like the 4th section of the President of the Poor Law Board's Bill, which gives 25 per cent. that might be made conditional.

912. Do you think it would be advisable to do so?—No, at present I do not; I would have as little as possible to do with those landlords in making out the register.

913. In reference to the revising courts generally, do you think that with a competent registrar, properly paid and supervised by rules as was contemplated to be made for him by the Home Office or the Court of Commons Pleas, it would be necessary to retain the revising courts at all?—I think so, as I imagine the decision of the registrar in inserting the name is not after hearing both sides after a sort of preliminary trial, but it is, rightly or wrongly, the result upon his own mind, and impressions he has collected very informally. I think still there must be a revision court for a man to say, "I will go and fight my claim out," or "I will oppose that man in the regular way, and by the laws of evidence."

914. To take a case at a time; with regard to lodgers, that difficulty would undoubtedly occur, but if the lodgers were still, as they are now, forced to support their claim, and if as you contemplated just now, claimants were forced to attend to support their claim, which I understood you to say just now you contemplated——?—My suggestion as to new claimants was, that they must be objected to.

915. At all events, you said so with regard to lodgers?—Yes, excepting that I want the registrar from his inquiries to put lodgers on a list.

916. On a list of claimants?—Yes; without his first sending this in and getting an attesting witness and all the machinery which at present exists.

917. Then you could see that these people are objected to, and if not objected to their votes are to stand?—Yes.

918. If that were the case, the revising court would have to continue to exist; I thought, in fact, you said just now that they should not be *primâ facie* good?—No.

919. Do you not conceive, however, that the tendency of this system after it had been in work a little time would be to make the original list a very good one, and if that were the case nothing but points of law would continue open, and all points of fact would be decided by the registrar?—Almost all points of fact, but not all; I should not like the registrar or any other person to be able to decide in his own mind behind my back whether I had lived at two houses in succession or whether I had gone for a fortnight to live in London, and therefore that fact must be ascertained by the rules of evidence.

920. At the same time, might there not be machinery instituted very much more cheap than the machinery of sending down a revising barrister from London, by which machinery the parties might attend before the registrar and state the case before him, reserving points of law for the Court of Common Pleas, as now?—Probably fewer revising barristers would be necessary.

921. Do you think an expensive officer of the character of a revising barrister specially sent down would still be necessary at all?—I do not call the present revising barristers, looking at their present remuneration, very expensive; I think a much less number might be necessary to go through the same work in the three weeks; under the new scheme of the Judicature Commission there might be a scheme of revising upon the new circuits.

922. Still you think he ought not to be a local officer at all?—I do not say that so much with reference to the fact of his being a local officer as with reference to the fact of the thing being decided without a regular trial, so to speak; I should not like this claimant to be summoned like an inspector of police trying a case, before it went to the magistrates, in a charge room; I would not have two things; the registrar should, according to his own convictions, acting honestly, put my name or not put it on a list; whether my name is on or not, I should have a right to insist on it if it were not there, and an objector should have a right to insist on its being struck off; that contention should take place according to the rules of evidence before a properly constituted tribunal, such as a barrister at law or some legal person.

923. *Chairman.*] Do you think it might be done by the magistrates of the borough sitting with the recorder?—No, I should think not; because the magistrates, except the stipendiary magistrates, would have to be advised by their clerks on legal matters, and I am afraid there would be too much partisanship; I do not mean in Birmingham, but it would be better out of their hands.

924. Mr. *Dilke.*] Another way of putting the same thing would be this: you would have three great officers, the registrar, the returning officer, and the revising barrister; could not you dispense with the revising barrister, possibly, by making the returning officer perform that appeal work, which would be very simple in character if your first list were good?—I think that suggestion is very valuable as it prevails, with regard to revising the burgess rolls for municipal corporations; although, in your borough, I think the returning officer is another person.

925. In the metropolitan boroughs the returning officer is a solicitor?—In the municipal boroughs the revision is, in fact, conducted by the mayor, who

who is also the returning officer for Parliamentary elections, and by two assessors elected by the burgesses, the burgesses only being entitled to vote for one of two; there you have a tribunal which generally consists of a legal and a non-legal person and the mayor. The town clerk, generally speaking, is the real judge, so far as my experience goes.

926. I may inform you that in Paris the revising tribunal consists of a returning officer, assisted by his two clerks; the person who does the registration work is not heard, but the returning officer is the same person as the revising barrister, and that led me to ask you if you thought such a thing was possible here?—The suggestion is new to me for England, but looking at it as working well for the municipal registration, I think it is worth a great deal of consideration.

927. *Chairman.*] Do municipal registrations work well according to your experience?—In Birmingham fortunately we never have contests; we had a contest about the construction of this local Act a few years ago; but, with that exception, there has been no contest in the 30 years we have existed.

928. We are instructed to inquire about the making of the municipal register and the Parliamentary register one; that is a subject which you have not had much occasion to consider?—I have considered that, and have formed a very strong opinion upon it.

929. What is your opinion?—I think they ought not to be similar, for this reason; that you take a list of persons to vote for Members of Parliament, and when a person has voted, he is done with, but if you make him a burgess he has a number of other duties and rights, besides voting for town councillors.

930. You would not be disposed to cut down the qualification for the municipal registration to the period of residence of the Parliamentary registration, would you?—I should not object to that; we give him all the municipal property; we give him the town halls; he is one of the owners of all the property; a Parliamentary voter has no property at all; he may vote for Members of Parliament, but is extinct the moment he has voted.

931. He has got the control of the property of the country more or less?—To the extent of sending his representative; but a burgess is a most important person.

932. Mr. *Dilke.*] Of course it would be necessary to exclude the lodgers?—Yes, unquestionably; I would not make lodgers burgesses.

933. Even excluding them, you think it would be undesirable?—I do not think there is any reason for making the list similar, because I do not think the rights arise on the same grounds.

934. *Chairman.*] We had a doubt expressed the other day as to whether street lists would be as convenient for a voter to find his place in, when he looked on the original list, whether he would find his name easily on a street list; do you think there would be a greater inconvenience in a street list than in an alphabetical list; would he know the name of his street and number and find it easily?—I cannot conceive that there would be much inconvenience; I have heard it discussed over and over again, and I cannot conceive much inconvenience; still there are some very long streets.

935. He would always know his own number, would he not?—He ought to do so; in some small boroughs, I may say, there are no numbers.

936. It would be very easy to make it compulsory to number the houses?—Certainly.

937. As a part of the system?—Yes; wherever there was either a corporation, or a local government Act, or a local commissioners Act, it could be done.

938. In some respects it would be more convenient, would it not, because for instance, supposing there are half-a-dozen "John Smiths," it would be much more convenient to have those "John Smiths" distributed in their proper streets, than all put together in the alphabetical register?—Certainly.

939. Mr. *Wheelhouse.*] At Birmingham, in the municipal registration court, the mayor has of course two assessors?—Yes.

940. Are either or both those two assessors attorneys?—The town has always elected them; I believe it is not at all usual, indeed I know it is not in other boroughs with which I am connected, but in Birmingham the gentlemen elected are attorneys; I can give you the reason for that.

941. Are the two gentlemen sitting as assessors with the mayor under such circumstances, generally speaking, attorneys, taken one from each political party in the borough?—Not, I think, generally, but the exceptions are very numerous; it arises in this way, it is very remarkable, but where a borough is in wards, the mayor has to preside at one place at nine o'clock on the 1st of March, when two borough auditors and two revising assessors have to be elected; the 13 or 16 aldermen are distributed at the same moment in their respective wards to elect ward assessors, and their councillors, and friends with them; therefore there is no material for a struggle at nine o'clock, and the result in Birmingham, in fact, is that you have to send a policeman out to fetch two voters each to sign a voting paper, and two gentlemen who have been made martyrs of for the previous year, play the joke of putting two others on for the next year. Of course, if there once was a feeling of dissatisfaction about the mode of attending the registration court, there would be a contest.

942. Is it not the fact in Birmingham that the mayor and his two assessors sit, say, at the town-hall at Birmingham for the purpose of revising the municipal list, and that each ward comes up in its turn before that court, and is revised in that court?—No; not by wards, by parishes.

943. At all events, however, it is done; whether by wards or by parishes little matters, but the whole of the municipal registration, as I understand, in Birmingham, is done by the mayor and his two assessors?—Yes; at one spot.

944. Are not those assessors law men?—I am speaking of those assessors whom we call revising assessors, but they are not necessarily law men.

945. Are they not practically law men generally in Birmingham?—They are; I never saw the place of their election excepting when I was mayor: but two respectable men are generally nominated. They are generally very much annoyed at it, and if they can claim exemption they do, and if not, they sit. There is no interest in it, for this reason, that the revision consists chiefly in the overseers bringing up and swearing to their formal lists, and an hour or two is occupied in signing a mass of paper authenticating all those lists.

946. *Chairman.*]

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946. *Chairman.*] It has been suggested, and probably it will be suggested again, that there would be some danger of such a single responsible officer as a registrar being actuated by political partiality: is it your judgment that public opinion would be sufficient protection against any partiality in an officer appointed to such a situation?—I think it would. I think it would be considered a high position. Of course there would be summary powers of removal, and great penalties attached to malfeasance in office, but public opinion alone, I think, would do.

947. You, as a person of experience, would not entertain that apprehension?—I should not feel it at all.

Mr. George Baker, called in; and Examined.

Mr. *G. Baker.*

948. *Chairman.*] What is the exact position you hold in Birmingham?—I have, until Wednesday, been chairman of the board of guardians for two years. I resigned on Wednesday, or rather my term of office ceased. I refused to stand again, and now am not chairman. Of course I am still a member of the board, and I am a member of the town council.

949. You wish to state your opinion, as I understand, on the subject of the advantages or disadvantages of the present manner of making out the register of voters through the overseers: will you give us the benefit of your opinion upon that subject?—Of course I have been at the board of guardians for some years. I have filled the office of overseer, and I have seen a great deal of the action of the board of overseers, and I have come to the conclusion that they are not a proper body to have the charge of this matter. In the history of the last few years in Birmingham it has been seen that they sometimes acted one way and sometimes another, partly on account of political bias, and sometimes even from economical motives. That was particularly illustrated by the way in which they treated the clause, I think in Sir William Clay's Act, which enabled us to put on the list compounders whose houses were rented at 10 *l.* and upwards; for many years that was left entirely in abeyance, and the attention of the overseers was only called to it by the action of political parties who subscribed in order to find the needful funds to have those names entered on the list, the practice having been that on the rate-book none of the occupiers were entered. The landlords paying the rates, their names were down, and the names of the occupiers were never entered. In consequence of the action taken by those parties, of whom I was one, the names were inserted, I think, about the year 1861, and after they were once inserted, the board of overseers applied to the board of guardians for leave to continue the necessary expense in keeping the lists correct, and that was allowed for several years; but in 1867 the overseers altered their plan, and decided not to put these names on; the consequence was, that a great number of these persons were struck off at the beginning of 1867, and if it had not been for the passing of the new Act in 1867 they would have been off, I expect, till now.

950. In your judgment, and from your experience in the matter, is the rate-book a good or proper basis for the formation of the register?—I think it might be made so.

951. That is, supposing the occupier's column was properly filled up?—Yes. The difficulty in a place like ours is in keeping it correct, on account of the people removing so much from place to place.

952. The rate collector or the overseer has no special interest in keeping the name of the occupier in the occupier's column, so long as he gets the rate?—No.

953. And of course the more the system of compounding returns the less interest will they have in keeping the name of the occupier in the occupier's column?—Certainly. Under the present law they have to go to every occupier for his rate, and therefore the names, as a rule, are better entered now than they ever have been. Our rate collectors, I believe, have no special interest in seeing to this matter themselves. I do not know that they even get any remuneration. They are paid so much as rate collectors, and this portion of their duty is put upon them, as it were, in addition.

954. Do you agree with Mr. Hawkes that, as a fact, the occupiers are even now not correctly entered on the rate-book?—I should think they were not absolutely correct.

955. Is there a great desire in Birmingham to return to the system of compounding?—Yes, particularly among the occupiers. Before the alteration took place there was no wish for change. However extravagant the compounding appears, there was never any wish expressed on the part of any party in Birmingham to have it altered, and that is where we feel it such a hardship.

956. There is, and will be, a very strong effort on the part of the people of Birmingham, as far as they are concerned, to return in some form or another to the system of compounding?—Yes.

957. When the system of compounding is restored, if it be restored, in your judgment will the rate-book necessarily be a very complete list of occupiers?—I think it is then very likely to fall into the condition it was in before. There was one remarkable fact stated, and I think you were present when we met Mr. Goschen, three weeks ago; we came up to see him on this very point, with regard to the compounding. It was stated then there were 95,000 people entitled to be on the register of the old compounders, and only 25,000 were on, showing that not only in Birmingham but throughout the country this class of people were neglected by the overseers.

958. You are speaking of the whole country?—Of the whole country.

959. That is to say, there were 95,000 occupiers under the 10 *l.* franchise whose rates were paid by the landlord, under the old Compounding Acts?—Yes, who were entitled to be on the register; but by the negligence of the overseers there were but 25,000.

960. That is to say, three-fourths of the persons occupying houses above 10 *l.* were left off the register under the old compounding system?—Yes.

961. If the system of compounding is restored, is it your expectation and belief that the same thing will happen again?—I am afraid so.

962. Therefore, in your opinion, is it necessary that, if we are to return to the system of compounding,

unding, we should devise some other and better heme of registration than is offered by the rate-ok?—I think so. I think it should be placed the hands of some parties independent of the ard of overseers, and that they should be paid fair amount of remuneration, so as to ensure its ing properly done.

963. Quite apart from this question you, as ing a person of experience in the matter, do t think that the overseers are the fittest people be employed for such purposes?—I think not, m the experience I have had.

964. Mr. *Collins.*] Have you ever considered ether it would be advisable to make the clerk the union assessment committee the person to ke out lists, he having many parishes in the me borough under his charge?—That does not ply in our case. We have no assessment com-ttee in Birmingham at all, therefore I have t considered it in that relation. I thought that, rhaps, the best persons in a town like ours uld be the registrars of births and deaths, be-use I cannot imagine that one person could lly obtain the necessary information in a town e Birmingham in the requisite time; whereas, employing the men who were already engaged similar duties, they would, by dividing the wn among them, be able to compass it in a mparatively short time.

965. You think it advisable to have some per-n who has other and cognate duties?—Yes.

966. In many boroughs the union assessment rk would have those facilities?—I suppose he uld.

967. In smaller boroughs?—Yes. It is very ficult to speak on a question of this kind, for all boroughs as well as for large ones. I n only speak of it as I find it in our parish. am sure in our case it would be extremely ficult for one person to attend to these tters.

968. *Chairman.*] What is the population of rmingham?—The population of the borough is w about 350,000.

969. It is not as large as Glasgow?—No.

970. Do you know that it is all done by one n at Glasgow?—I was not aware of that. In rmingham we do not live so close together. s Mr. Hawkes says, nearly every person lives his own house. I see no difficulty, if such rsons were appointed, in their doing it in the me way as the census is taken; and while they e going round for the one purpose, I think ey might take the lodgers as well, and obtain fficient *primâ facie* evidence.

971. Mr. *Collins.*] Would not there be great fficulty in ascertaining whether a lodger paid so uch for his lodging and so much for his attend-ce and his cooking, and as to what was the lue of his actual room?—I do not think there uld; I think if persons were asked this ques-n they would generally say what was about e truth of the matter. There is no inducement tell other than the truth.

972. Suppose there is a lodger who says, "I y 20*l.* a year," how much would the officer con-der that he paid for being waited upon, and w much for rent?—That would be a question it to the owner of the house.

973. It is generally a lump sum: a man says, I come to your house; you cook for me; I pay u 7*s.* a week"?—It would be very easy to get that.

974. What proportion ought to be allowed for furniture, and what for the bare room?—I think an officer of that kind would have no interest in putting it in a wrong way, and that the person who let the lodgings would have no interest in getting the lodger on the list, and would simply say what the arrangement was. I think in that case you would want some penalty, supposing that these parties were paid for making out the list. There might be an inducement to put some names on other than were entitled to be on it. I think in such cases as those there should be a fine, and a fine, perhaps, in cases of wilful neglect.

975. *Chairman.*] That would be if they were paid per head?—Yes.

976. Mr. *Collins.*] I suppose, in the first year of the change, from the old to the new system, there would be more difficulty in making out the lists than when it got more into working order?—I think, in a town like ours, it would be necessary to go to almost every house once a year at least. When they got a complete list, it would be more easy to keep it right than it would be to make it in the first place; but if these lists were made out by independent persons, if it were kept in the form of a street list, which, I think, would be very desirable, that might be taken to form the basis of the rate-book itself; and by having different columns, you might put down the different kinds of franchise, and make it serviceable for jury lists as well.

977. Mr. *Candlish.*] In the event of a person being put on the register by the registration officer, would you say that it should devolve upon that man to prove his claim in the event of an objection being taken?—No; I think it would be for the party objecting to prove that the claimant was not entitled.

978. You think that the onus of proof should rest on the objector?—Yes.

979. And that if he failed costs should follow?—Yes; because I should suppose the person appointed would be considered an impartial person.

980. Do you know anything about the expense of making out the present register?—I do not.

981. Nor whether the registration officer would add to or diminish that expense?—I should think the registration officer would be slightly more expensive, but he would be more efficient. I do not think it need cost very much more than it does at present.

982. You approve of the street list?—Yes.

983. A street list would be more easily made?—It would be easier to make out, and more convenient when made out.

984. Mr. *Bourke.*] Supposing you have a registration officer, do you know of any class of pople who could assist this registration officer better than the rate collectors?—I think the registrars of births, marriages, and deaths in a town like ours would be very suitable. I do not know how it would be in country places, or in small boroughs, but in a place like Birmingham they are better acquainted with the population around them, from the circumstance of what they have to do, than any other class of men I can think of. I believe, not being very fully occupied with their duties, they could take these duties in addition, whereas the rate collectors are generally, and particularly now that they have to go to every house for the rates, wholly occupied.

985. Do the duties of the registrars of births, marriages, and deaths call them to every house?—They must go to many of the houses in the course of the year.

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986. Mr. *Dilke.*] Is your register in Birmingham, in all the parishes, really alphabetical, or is it only under letters?—On the rate-book it is in streets.

987. I said on the register?—It is made alphabetical afterwards.

988. Is it really alphabetical, or merely all the A's and all the B's together?—I believe it is not strictly alphabetical, but that the A's are all put together.

989. Great attention has been excited by "The Representation of the People Act" having caused a change of the law, by which the registrars are not compelled to make the register alphabetical?—I heard that objected to the other day; that leads me to think that it is not strictly alphabetical; that the A's are put together and the B's are put together, and that a man may have to refer for a considerable distance.

990. In reference to the question that was raised as to the difficulty of finding out how much lodgers put for this and for that, for attendance, and meals, and so on, that difficulty exists now, does it not? There would be the same evidence of their doing these things as there is now?—Yes; there must be the same difficulty now whenever the question is raised.

991. *Chairman.*] I suppose a man who became conversant with the habits of the people would very soon arrive at a rough rule with reference to those deductions. A question or two once raised in the revising court would settle it for the future?—I should think so.

992. Then if a man were paying 15 *l.* or 20 *l.* a year, you would soon arrive as to what would be the rule in a particular town as to the amount of deductions which should or should not be made in such cases?—Yes. I think generally in letting the lodgings, these things are kept separate. So much is charged for the rent of the rooms, then the attendance or board is charged separately.

993. Mr. *Wheelhouse.*] Supposing a registration officer were appointed, in whose hands would you think it desirable to leave the election or the appointment of such officer?—I think the Government should have the appointment, because I should like to put it, as much as possible, above all party or local influence.

994. Mr. *Dilke.*] Do you not think that by putting it in the hands of the Government you would be putting it within the reach of party influence?—No, I do not think so; we should get a fair average at least.

995. *Chairman.*] Do you not think that probably a Government responsible to Parliament would be compelled to make such appointments as that, in a more impartial spirit, than if it were left to the predominant local authorities in a town?—Yes, I think so. I see no reason why this should not be treated quite as much apart from politics as the delivery of our letters.

996. What I meant to put is this, would not a Government responsible to Parliament for such appointments be more likely to exercise them impartially than a majority of a town council, which might have a strong party bias one way or the other?—Yes.

997. Mr. *Bourke.*] How are the registrars of births, marriages, and deaths appointed?—By the board of guardians at present. That is a new Act. It has only very recently been in their hands.

998. Mr. *Collins.*] Do not you think there is more danger of a person having a political bias, when he is appointed for a specific purpose, than in the case of overseers or clerks of the union assessment committee, who are appointed to discharge other duties as well?—The registrars of births and deaths are not appointed from any political bias now.

999. Is not there more danger of a corporation electing men solely from political motives when their duties are simply political?—Yes, there would be.

1000. Mr. *Candlish.*] This register is now prepared by the asssistant overseers, is it not?—Yes.

1001. He is elected by the guardians, is he not?—Generally.

1002. In point of fact, the overseers do not touch this register?—No; but they have the power to say what shall be done. They decide, because they did so in this case.

1003. Have you known any political feeling to prevail at the election of assistant overseers?—No, I do not know that I have.

1004. Notwithstanding that the assistant overseer had to do this political work?—No.

1005. Mr. *Wheelhouse.*] How many elections of assistant overseers have you had; an assistant overseer is generally a permanent officer, is he not?—Yes; we have 12 assistant overseers in Birmingham.

1006. Mr. *Collins.*] I suppose political contests do not arise much in Birmingham; the colour is the same throughout the town?—Very much so; you might take it in this way: the board of guardians are elected for three years, and are elected by a popular suffrage; usually they are very Liberal, but the board of overseers who select themselves, who select 12 names and send them to the magistrates, and the magistrates take the first six and appoint them as overseers, are very often more Conservative. It so happened that, at the beginning of 1867, the Conservative element prevailed, and they decided not to put these names upon the list.

Mr. JOHN HENRY MURRELL, called in; and Examined.

Mr. *J. H. Murrell.*

1007. *Chairman.*] WHERE do you reside?—At Hartlepool.

1008. What is the position you have occupied there with reference to this matter?—That of secretary to the Liberal Association at Hartlepool.

1009. Are you satisfied or the reverse with the present system of registration in boroughs?—I am dissatisfied with it.

1010. Do you consider the present machinery, that is to say, the overseers, a good machinery for making out the basis of the register?—I do not.

1011. Will you state your reasons for that opinion?—The way in which they act in making out their lists varies very considerably; for instance, the Parliamentary borough of Hartlepool is composed of four townships, and there are four separate lists of voters for the Parliamentary borough, composed by four different authorities. Previous to the first list being made out the overseers of two parishes, that is Stranton township

nship and Hartlepool township, met and agreed
n a certain line of action with regard to tene-
ted occupiers; they agreed that all who were
ted by the Sunderland case, argued in the
rt of Common Pleas a short time ago, should
be placed on the register. On the appear-
e of the list it was discovered that in the
nton case they had put them on the list,
reas in the Hartlepool case the overseer had
ted them altogether; the consequence was,
there were a number to be objected to by
one party on the Stranton list and a number
e claimed for on the Hartlepool list by both
ies, so that the list altogether was in a very
used state. On inquiry why the arrange-
t had not been kept, it appeared that the
seers for party purposes, at any rate it was
sumed, caused the assistant overseer to place
ne register the whole of those parties who
e tenemented occupiers; 140, I think, out of
number in Hartlepool had been omitted alto-
er from the list; and in order to show the
rtainty of the law upon the matter, those 140
reclaimed for by one party or the other, and
ly 50 were sustained; whereas, in the case
ose who had been placed on the Stranton
ship list and were objected to, the objections
sustained in about an equal proportion, so
the state of the law and the working of it
very unsatisfactory and uncertain.

12. The objection goes to having a variety
uthorities to make out the list: in your
on, would it be better to have a single
nsible authority for making out the list?—
nk it would.

13. A person more conversant with the law
his exclusive devotion to it, and with the
m of registration than the overseers are at
nt?—I think it would be better.

14. What is the fact at Hartlepool with re-
ce to the rate-book; does the occupiers'
nn contain all the information?—It does
the books are in a very unsatisfactory state.
k the opportunity a short time ago, knowing
s coming here, to look at the rate-book, and
nd in some cases some houses are com-
ded for, and in those houses which are
pied by the Malleable Iron Company, that
any appear alone, as the only name on the
book, the men's names numbering some 50
) who would otherwise be voters being ex-
d altogether.

15. When did you see that book?— The
ant overseer showed me the book.

16. Recently?—Yes, last week.

17. Was that the last rate of which you are
king?—Yes, under the last rate.

18. When was that rate made?—On the
of this month.

19. In spite of the provision of the last Re-
Act, that the occupier should be rated, as a
the occupiers' names are not all on?—No;
me cases they are excluded, and in others
are on.

20. These people pay the rate in their rent?
their rent.

21. They consequently could not get on to
egister except by claiming to be rated and
g the rate?—Yes, that is the only way.

22. Have you considered the question of a
t list, as compared with an alphabetical list?
s; I think the street list would be an im-
ement.

23. Would it give greater facilities for the
examination of the qualification of people on the register?—It would.

1024. Do you agree with the suggestion that claims should be published subsequent to objections?—Yes, I think it would be an improvement.

1025. As to lodgers, have you had much experience with them at Hartlepool?—We have not had many lodgers; but the decisions of the revising barristers in the case of lodgers have been very various. As an instance, in some cases where lodgers board with the person they lived with, the revising barrister has given his decision in favour of them, and in other cases against them in cases of the same kind where the rooms and occupants were precisely the same; in the one case he would not allow a person who boarded with another person to have a vote, and in another case a day or two afterwards he allowed it. I might further state that in one house which we knew to be rated at 16*l.*, with 22*l.* rental, there are three votes, two lodgers and the landlord himself.

1026. Who are on the register?—Yes.

1027. Though the whole house was let at 22*l.*?—Yes, one man was rated for it, and there were these two lodgers whose claim for votes was allowed.

1028. Mr. *Candlish.*] The house was rated at 16*l.*, the lodger qualification being 10*l.* rental?—Yes.

1029. *Chairman.*] Leaving 2*l.* for the landlord's vote?—Yes.

1030. Have you considered the question of whether, when an objection is made to a vote (I will take it first of all upon the original list) the onus of proof ought to be cast upon the objector to show that he had some ground for his objection?—I think it should if the name appear on the list.

1031. Probably you would think if the name is not upon the list and he makes a claim, then the onus should fall upon him?—Yes, to the claim; I think that is only fair. I think the ground of objection should be also stated. I might say, in support of that, that out of the Hartlepool township portion of the constituency of which particularly I am speaking, there were 1,600 names on the first list that came out. To these names one party made 576 objections; it was found on settling the briefs, which is a very unsatisfactory and objectionable system now carried on by the attorneys of either side, about 200 of those were allowed to be struck off and the rest had to appear before the court to sustain their claims; we found that many of the latter objections were made partly from personal motives and from spite, six or seven gentlemen were compelled to dance attendance at the revision court for three days in order to sustain their votes, and when their names were called out it was discovered that the only objection producible was that the numbers of their houses did not appear in the column of qualification. Now unfortunately for us the town is not entirely numbered, only a few streets are numbered. The revising barrister, where he found he could amend the qualification, amended it, but allowed no costs. These claimants were there three days to defend their votes, and got nothing allowed for it; and workmen were served in the same way; the most trivial frivolous objections were taken.

1032. Mr. *Bourke.*] Were the costs asked for?—Yes; they were asked for in several cases, but

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only allowed in one case. Where a solicitor asked for his costs they were allowed him while other persons were refused; the only person I saw get costs was a solicitor.

1033. *Chairman.*] Do you think that costs ought to be made compulsory where the objection fails?—I think so.

1034. Do you think that security for costs ought to be given as a condition for making an objection?—Either security for costs, or to limit the number of objections to be taken; but I think security for costs would be the better and more effective plan.

1035. Mr. *Candlish.*] You would limit the number of objections made by one man?—Yes; I think it is not at all right that a man of straw can be got to object to 576 persons; and when you ask the ground of objection, he should say, "I do not know anything about it, I merely signed the paper." It is a notorious fact, that the papers are signed by him before his knowing anything whatever about them, without knowing to whom they are to be sent.

1036. *Chairman.*] There is this advantage about allowing objections to be taken by one man; there is less trouble in proving the service of notices, one man can prove the service of all the notices?—No, I do not think that; as an instance, I might say in many cases persons were objected to, and lost their votes, although they received no notice of objection; the fact of being put in the post-office was sufficient.

1037. What I want to call your attention to is this, that if 500 people made 500 objections, there must be 500 persons to prove the service, either personally or by postal service, whereas if one man makes the whole objection, he can prove all the service?—I should be in favour of the law in that respect remaining as it is, supposing security were given for the costs, to prevent frivolous and vexatious objections.

1038. And also that he should state specifically the ground of objection?—Upon the face of the objection paper.

1039. Would one advantage of having a single officer be, that you might provide against duplicates, by having a person only entered for one qualification?—It would. In our case we had four separate lists, and many of the electors had qualifications in more than one township. In one township there was a very large proportion of duplicates on the register; 1,600 were upon it, and exactly 60 were duplicates.

1040. That of course affords great facilities for personation?—It does indeed.

1041. What was your experience at the revising courts, do you consider them satisfactory or not?—Very unsatisfactory.

1042. In what respects?—In the decisions that were given, especially with regard to what constitutes a house; we were much at a loss in that respect.

1043. That is more or less a question of law; but first of all, do you think that costs were given where they ought to have been given?—No, I think they were not. Many working men lost three days of their work, not only lost their own, but had to pay others to take their places, and were paid nothing, although the objections were found to be very trivial. Although invalid objections, yet the revising barrister refused costs.

1044. Did you find a great number of questions were brought before the revising court which might perfectly well by a better syst have been settled outside?—I think so.

1045. And amended by a better system?—think so.

1046. Did it appear to you according to w you saw, that the powers of amendment of revising barrister were insufficient?—He had sufficient powers of amendment.

1047. That was your experience?—Yes.

1048. In your judgment, ought the revisi barrister to be compelled to give a case for app upon application?—I think he ought; and ought so to frame it, that a person might pro cute it. In our township there was a case wh I might mention. The night before the revis court was held, the attorneys upon each side m and agreed upon a certain class of names u the list, who should be submitted to the barris as inhabiting flats, and these were submit *en masse* to the revising barrister, and were stand or fall by his decision. He gave a decisi against the whole (numbering 136). An app was asked for, and he granted a case, but drew it up in such a manner that it was imp sible to prosecute it; it would have been fut to have done so.

1049. I think you agreed that you would sta or fall by his decision?—Yes, and he would gr a case for the Common Pleas, whichever w his decision was; he gave a decision against claims, and when a case was asked for he p pared one, but it was of such a character t the parties did not think they were justified proceeding.

1050. Might not the solicitors on either s have discussed the question, and got a case him to sign?—They had a long conversat about it, but they did not come to any terms; would not alter nor amend the case that he l given. A deputation waited upon him at a to about 14 or 16 miles distant where he was st ing, asking him to amend the case he l given. He declined to do so, and consequen they abandoned it.

1051. Should you approve of making c compulsory?—Yes, I think they should except where an objection is made to a claim.

1052. Then you think the claimant ought to have his costs?—I think not. I think i man's name appears on the register, and objection to that is not successful, costs sho follow the event.

1053. You mean on the register list?—Y in the event of an objection being made t claim, I think costs ought not to follow, beca the claimant should have appeared to have s tained his claim, and it would be no hardshi him having to appear to answer an objection.

1054. Do you think it would be an advant if the revising barristers were under the con and direction of some authority like the Cour Common Pleas?—Yes; but not a local author

1055. No; but like the Common Pleas or Home Office?—I think it would, but I can give much of an opinion about that.

1056. Have you considered the dates sugges in this printed paper?—Yes.

1057. Do you think that those dates wil an improvement?—They are an improvem upon the old system.

1058. Do you think that the proposition those dates would enable you to sift the orig list so as to diminish the trouble and time s in the revising court?—Yes; the assistant

er complains very much of so limited a time ing given to him for preparing the list, only e day between the 31st July and the 1st August; is practically impossible for him to have it ady in the time to have it perfect.

1059. Did you find that in the revising courts fficient time was given for annually investi- ting the claims and objections while the court is sitting?—Yes; I think we had a very fair portunity of doing so.

1060. Was the business hurried in the court not?—No, it was not.

1061. Mr. *Wheelhouse.*] Had you more than e reviser sitting at Hartlepool?—Only one.

1062. Mr. *Rathbone.*] Do you consider that it uld be a desirable protection against frivolous jections, that before objections are allowed to ue they should be submitted to the revising rrister or a magistrate, and a *primâ facie* case such objection stated, as is done in the case summonses?—I think if a registrar were ap- nted whose duty it would be to superintend whole of the registration of voters, the objec- n submitted to him would be sufficient.

1063. But supposing there is not a registrar? In the event of there not being a registrar, I not know how the magistrates would know ether the objection were frivolous or other- se.

1064. Supposing it were stated to them just as is, with a summons; you say this man owes u so much money, and you make a declaration oath that that is the case, and the summons ues as a matter of course, unless cause is shown y it should not be so; in the same way, do u think it desirable that similar protection uld be given to the voter that is given to the epayer in that case?—I think it ought.

065. Mr. *Collins.*] Are the four townships of rtlepool in the same union?—In the same on.

066. Do you think that the clerk to the rd of guardians would be a fit person to make the lists?—So far as having time on his nds, I think he would be.

067. He would know whether the persons re the same persons in different townships who l double qualifications?—He would have no re opportunity of knowing than a person ap- nted would have.

068. He would have an official knowledge, as rk to the union?—No, not so much. His ties as clerk to the union merely consist in ing notes of the meetings and providing for rates being levied.

069. Is he not clerk to the Union Assessment mmittee likewise?—Yes.

1070. And as clerk to the Union Assessment mmittee, he has constantly before him the rate k, and the valuation lists, and everything con- ted with the union?—Yes; it is before him stantly.

1071. Therefore the probability is that the rk to the union would know whether a man o occupied a warehouse in one place was the ne man who resided in another township?— s.

072. I do not say it would be a greater pro- bility, but he would be a likely man to know? Exactly. I think the present system would rk almost as well as that. The two would ve to work in conjunction, that is, the assistant rseer and the clerk to the union.

1073. Where there are four overseers, each overseer, I suppose, would be bound to place upon the list each man whom he found qualified in his own township?—That is so.

1074. But if the union assessment clerk were to make out the list, if he found the same person, say, in all four townships, he would only put him on once; it would be a union list instead of a township list?—Yes, that would be an improvement.

1075. The clerk to the union is generally appointed because he has many duties, and he must be an intelligent man to perform those duties?—Yes.

1076. A higher class of officer?—Our union officer is a very intelligent man.

1077. He is locally appointed, but only removable with the consent of the Poor Law Board?—That is so.

1078. You stated, with reference to the Malleable Iron Company, that they were the persons who were rated; that they paid the rates on their property at Hartlepool?—Yes.

1079. Do you know whether any persons occupy the property of that company as their servants and not as their tenants?—Every one of their tenants work for the company.

1080. When you say they did not pay their rates, is it not possible that those persons occupy the tenements as servants of the company?—Yes, but they have to pay rates for their houses; they have to pay rent, and the rates are considered in the rent.

1081. The rent is stopped from their wages?—Once a fortnight.

1082. In point of fact, practically they receive house rent free, and so much wage?—Yes.

1083. Those persons are bound to live in those houses?—These men had votes at the election; but the overseer, by the arrangement now made, intends to strike them off altogether.

1084. Do you know, as a matter of fact, when the company employ a certain number of hands, they say, "We find you this cottage, and shall charge you so much, and you must live here"?—Not always.

1085. They do that occasionally, I suppose?—Occasionally.

1086. I know railway companies do it constantly?—Yes.

1087. Therefore a number of those cottages are necessarily occupied by persons in the employment of and receiving weekly wages from the Iron Company?—That is so.

1088. Therefore they say, "Your wages are 1 *l.* a week, and your cottage costs us 2 *s.* a week, therefore we shall give you 18 *s.*"?—That is so.

1089. You stated that the revising barrister refused to amend the case; might not that arise from the belief that he had correctly stated the case?—It might.

1090. Do not you suppose that was the reason?—I think on both sides it was agreed that the case was not fairly drawn.

1091. Did both sides agree upon a common statement as to the fact, and submit it to the barrister?—Yes; the plan of the house was submitted to him, and he also visited the house, which was taken as a specimen house.

1092. He took the trouble to make a personal inspection of the place?—Yes.

1093. And heard the evidence?—Yes.

1094. He stated what he believed to be the facts, only you differed from his statement of the facts; you think he made an erroneous statement?—Yes,

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—Yes, it was a question of severance; the party wishing to retain the voters thought the severance was complete, and the barrister thought it was not complete.

1095. He acting as a juryman, having viewed the premises and heard the evidence, was ready to state to the Court of Common Pleas the impressions which those facts left upon his mind?—Yes, that was so.

1096. Mr. *Candlish.*] You have told the Chairman that there was a great want of uniformity in the decisions on the part of the revising barrister: did that arise from the uncertainty of the law as to what constituted a house?—It did.

1097. A more accurate definition of a house would lead to uniformity?—It would.

1098. Therefore the uncertainty as to what is a house is a difficulty in the way of registration?—It is yet, and will continue so until the question is settled.

1099. Have you many houses in Hartlepool occupied by more than one tenant?—We have a great many.

1100. Do you know what proportion of the entire constituency they may number?—Fully a third.

1101. A more accurate definition of a house would relieve the electors at large, and the revising barristers from the uncertainty as to what their decision should be?—It would. I may mention that most of the objections taken were matters of law and not matters of fact with regard to the qualification.

1102. That has been a great registration difficulty?—It has been a great difficulty with us.

1103. You spoke of the tenants of the Iron Company in Hartlepool; the illustration given is of a man who would have 20 *s.* a week wage, but has to submit to 2 *s.* deduction because he has a house?—For rent and rates.

1104. That, in point of fact, would be 2 *s.* for his house?—It is so.

1105. The payment is made at the office?—Yes.

1106. If this man occupied some other person's house, he would have 20 *s.* a week?—Yes.

1107. He would have 2 *s.* to pay to some other landlord?—Yes.

1108. He is, in fact, tenant to a landlord who pays his rates?—Yes; it is not the question of a man occupying a house for a company, as for instance, a mechanics' institute, where his lodgings and living entirely depend upon his retaining the post.

1109. The house may, or may not be in his occupation?—This man may leave the house, and may move to another, not the property of the Iron Company, and still work for the Iron Company.

1110. The man is the tenant of the house and rateable for it?—Yes.

1111. I believe you have some objection to the mode of publishing the lists; will you tell the Committee what that objection is?—To the mode of exposing the lists?

1112. Of publishing the lists after completion?—The way in which they are exposed on the church and chapel doors is objectionable, seeing that few people can get to them to see whether their names appear on the list or not. It is not considered "the thing" to stop on Sunday morning to look at the lists, to see whether your name is on them.

1113. What improvement should you suggest?—That a list should be kept at the post offi or other place; say, for instance, a mechani institution, or any building where everyone coul have access to it. Our churches and chapels i the north are built, it is not so much the ca here, with a large iron railing outside, six eight feet from the edifice, and it is impossibl to get near without getting the key from th verger, and that is a trouble everybody does n care to take.

1114. Would you advertise these exhibite lists?—I think they should be publicly announce

1115. It is not so now?—No.

1116. *Chairman.*] Do you mean advertise i the papers?—Yes; or by bill.

1117. Mr. *Candlish.*] Do you concur with th previous witness, that the revising barrister shoul be compelled to rectify all misdescriptions an technical mistakes?—I think he ought.

1118. To concede a vote if the substance of vote be there?—Yes; I think the present syste of having to re-claim for a successive occupatio is a very hard one; I think a man ought not t lose his vote because he has failed to claim for successive occupation. So long as a man h continued to reside within a Parliamentar borough for 12 months, his vote should hold goo

1119. The uncertainty of the law as to what "a house," has led to very strange results wit you, has it not?—It has.

1120. A man paying his 2 *l.* a year has got h vote?—That is so.

1121. While a man paying 8 *l.* has lost it?—Yes; simply because another person uses th same front door.

1122. Mr. *Dilke.*] You were asked a questio about the clerk to the Union Assessment Com mittee; does his duty with you extend over th whole borough?—Yes; the whole Parliamentar borough.

1123. You are aware that is not a commo case?—Perhaps not; I am speaking of our ow town particularly.

1124. You are aware there are many boroug where there is no such officer at all?—That is s

1125. Therefore, we could not, as it wer report in favour of taking the clerk of the Unio Assessment Committee as registrar of voters, f the simple reason that there is no such officer some boroughs, and in other boroughs his offi does not extend over the whole borough?—Yes

1126. *Chairman.*] Many boroughs would l within two unions, would they not?—That is s

1127. Mr. *Dilke.*] Did you hear the suggestio I made to the last witness about the returnin officer performing the additional duties?—Ye I approve of that very strongly; I think that th mayor, or the chairman of the town commissione where it is not an incorporate town, would be very suitable person.

1128. Therefore you could avoid the expense payment of a person who was sent down from a di tance to perform duties which would in future performed by the registrar in part, and as to the re could be performed by local authority?—reality, the duties of revising barrister are ver simple, because the night previous, or a day two previous to the revising barrister making appearance, the attorneys on both sides meet a arrange who shall go off and who on; in ma towns that is the case.

1129. To come more to the point, in t changes in the law proposed the registrar wou make his first list so good that there would lit

tle but questions of law to do; the more serious estions of law are decided by the Court of mmon Pleas, and would still be so decided. e higher points of law will day by day become ver, because they will all become determined, d therefore there ought to be very little work to be performed by any revision court?—That is so.

1130. It is your opinion, therefore, that the work, such as it would be, could be performed by the returning officer, or some other local authority?—I think it might.

Mr. *J. H. Murrell.*

23 April 1869.

Mr. John Richardson Procter, called in; and Examined.

1131. *Chairman.*] You reside, I believe, at nemouth?—I do.

132. Have you taken a good deal of interest olitical matters?—Yes, I have.

133. Has your attention been directed to the stion of registration?—To some extent it has, I have been more closely connected with ng, and the various branches of the subject t have arisen out of rating.

134. Of course we can only deal with the ng question as far as it affects the register; our judgment under the present system of ng, do you think that the rate-book affords icient materials for making out an accurate ister?—I think it would do so if it were pro- ly kept.

135. That is to say, if all the occupiers were ered in the occupiers' column?—Yes.

136. As a fact, I believe they are not so ered?—At present they are so entered if they rates themselves. Under the Tenement ing Act in our union, the assessment committee uired the overseers to place the names of all tenants upon the rate-book, so that they were e once a year at least, as given by the land- s; I have a rate-book here that will show t I mean by that (*handing same to the Chair-).

137. Were those books kept accurately every r; whenever an occupier removes are the names always put in?—They would be so, they have only commenced a year previously, therefore there have only been two entries of e names.

138. Is Tynemouth a town where the Com- nding Acts were in operation in previous s?—Yes; in four of the townships forming borough the Compounding Acts were in ation, but in the fifth they were not.

139. In the parishes where the Compounding s were in operation, while they were in opera- were the occupiers names entered in the rate- s, when the landlord paid the rent?—They e not so entered until after the assessment mittee came into operation, and the assess- t committee required the overseers to do that.

140. Since that time, have they been regu- entered?—There would only be a portion wo years before the Representation of the ple Act came into operation, and then the piers were rated themselves; we have no er the Tenement Rating Act in operation.

141. Then the landlords still pay the rates for in spite of the Act?—Not where they py whole houses; some landlords do, with nderstanding that they are paying them on lf of their tenants.

142. There are cases in which the landlords the rates on behalf of the tenants?—Yes.

143. When the landlord pays the rates on lf of the tenant, is the tenant's name entered e occupier's column?—Yes.

144. Just the same as if he entered it him- ?—Yes; the same as though he himself paid ates.

1145. Then it appears that in Tynemouth the rate-book is an accurate list of the occupiers?—I could not say that it is in every case an accurate list of the occupiers; I think some of the overseers are not so careful as they ought to be.

Mr. *J.R.Procter,*

1146. I can hardly reconcile that with your previous answer, because you told me that previously in all cases, whether the landlord pays the rate or the tenant, the occupier's name is equally put in the occupier's column; if that be so, how comes it that it is not an accurate list of the occupiers?—I mean since the alteration that was produced by the passing of the Reform Bill.

1147. That is what I am speaking of too; since the passing of the Reform Bill, is the rate book at Tynemouth an accurate list of the occupiers?—Not entirely so, because the occupiers are very frequently changing, and, of course, where they change, the overseers do not at once get their names.

1148. Do they alter the names at each rating?—Yes.

1149. Apart from the change between the ratings, it is an absolutely correct list of the occupiers?—I cannot say that it is so. Some of the assistant overseers are not sufficiently accurate; but I think it is to a considerable extent.

1150. Then, as far as you can expect to get a list of the occupiers, the rate-book at Tynemouth is such a list?—At the present time I think it is so.

1151. Is there any desire at Tynemouth to return to the practice of compounding?—Yes, a very strong desire.

1152. Has the inconvenience of the present system been strongly felt?—Very much indeed.

1153. Assuming the system of compounding to be restored, do you think then that the rate-book would supply an accurate list of the occupiers of tenements?—I think it would, if the whole system of overseers was remodelled; at present the overseers, as a body, know very little of the duties of the overseership, and rely entirely upon the assistant overseer; who is also in our case the collector. The assistant overseer is not directly under the control of the board of guardians, as I think he ought to be; and if he were, I think that a correct list might be kept up.

1154. I understand you, as far as Tynemouth is concerned, you have no complaint to make of the present system?—Yes, we have great complaint to make of the system, inasmuch as a large portion of our tenements are portions of houses, and it was ruled by the revising barristers that those portions of houses would not give a vote.

1155. That is a question of law with which we have nothing to do. As regards the system of registration, have you any objection to that?—I think the system of registration at present is, to some extent, faulty; I do not think the overseers are chosen sufficiently with a view to performing that duty.

1156. Do you think it would be an advantage

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to have a separate officer for forming the register?—I cannot say that I think it would in a small borough like ours, where I think the overseers' lists form the best basis for the register, though there might be an advantage in the lists being revised and corrected before going into the barrister's court; but I fear the large additional expense of such an officer.

1157. Therefore you do not desire, as far as Tynemouth is concerned, any alteration in the existing system?—I think there are various alterations that would be advantageous in the existing system. I think that a little change as to the time of entering the registration lists would be a great advantage to us. Our term ends with the 1st of August, and the lists having to be closed on the 31st July, cuts off a great number of people.

1158. Have you looked at the dates suggested in this paper?—I have.

1159. Do you approve of them?—I think they would be an improvement upon the present dates, but the date that would suit our district best would be to make it the 2nd of August instead of the 25th June, as proposed, owing to our term being at a different date to that in many parts of the country.

1160. Mr. *Candlish.*] You would rather have the 2nd of August than the 1st of August?—Yes. Of course I think, for our purpose, the 2nd of August would be better than any other date, inasmuch as it would be the day after the term; but I think the date ought to be that which would suit the greater portion of the country.

1161. *Chairman.*] Have you yourself had any practical experience of registration?—Not to any large extent.

1162. Have you had any at all?—Only on the last occasion, and as a member of the Liberal committee on previous revisions.

1163. If you have anything to suggest on that subject we shall be much obliged to you?—I think it would be a very great improvement if, in the first place, the term "dwelling-house" were defined.

1164. That is a question of law with which we have nothing to do; we are on the question of registration; that is a question of the definition of the franchise?—We found that in the borough of Tynemouth at the last election the overseers had made up the lists under the impression that any person who occupied a portion of a house as tenant, and paid the rates for it for a year, was to be placed on the register. On that impression the number placed on the register was, speaking from memory, something like 5,000; and when the barristers came to Tynemouth, they inquired of the overseers what was the class of qualification meant by a house, and on the overseers explaining it, the barrister laid down a series of directions for the overseers' guidance. He was to look over the entire list, and mark all the qualifications, No. 1, No. 2, No. 3, or No. 4, according as they answered his description.

1165. Did the barrister strike off a number of people to whom no objections were made?—Yes.

1166. How many?—About 2,400, I believe. There were practically only three or four objected to.

1167. Assuming, therefore, to himself the office of objector?—Yes.

1168. Do I understand you that he directed the overseers to classify the voters?—Yes, he did.

1169. Then he decided against a certain cla of voters, and struck off all the persons wh came within those classes?—Yes; he directe the overseers to prepare a list against the ne day, with all those marks upon them as to wh class they belonged to. I produce one of th lists marked by the overseer. One or two of th overseers sat up all night to make these lis ready for him, and the next day, when he wen over them, the barrister came to the name, an the overseer stated whether it was No. 1, 2, or If it was No. 1 it was struck out at once, an No. 2 was struck out at once.

1170. Was this the description of No. 1: "A roo or rooms in a house wholly let off in apartment each occupier being rated in respect of his hol ing, and having paid his rates"?—Yes.

1171. Did he strike off all those?—Yes.

1172. Whether they were objected to or not —Yes.

1173. No. 2 was "a room, or part of a hous structurally separated from the rest of the build ing, and having a front door of its own": di he strike off all those?—He struck it off if it ha no conveniences.

1174. That is to say, if it had no water-clos or cisterns of its own?—Yes.

1175. Those were all struck off to the amoun of many hundreds, without any objection bein made?—Yes; some of those were struck off the first two days; the remainder of the list wa revised by different barristers.

1176. Will you look at page 2; No. 1 is " room or rooms in a house wholly let off in apar ments, each occupier being rated in respect of h holding, and having paid his rates": he struc those off?—Yes.

1177. No. 2 is "a room, or part of a hou structurally severed from the rest of the buildin and having a front door of its own": I see o the next side, it is said he struck off all those; that so?—One of the barristers struck the all off.

1178. And the other did not?—The oth allowed some to remain under certain circum stances; he struck them off if he considered the under the same roof.

1179. One of the barristers struck off all und No. 2?—Yes.

1180. Therefore, we must correct the stat ment on the third page, "that such holdin were not dwelling-houses within the Represent tion of the People Act, 1867": that is n correct?—That was quite correct as regards o of the barristers.

1181. As regards the other barrister, he stru them off under some circumstances?—Yes; t other, on examination, allowed some to remain.

1182. Now, with regard to No. 3, hous divided into flats with separate doors, and ho zontally severed from each other; he allowed those?—Yes, all those were allowed.

1183. As regards No. 4, "self-contained c tages occupied as separate dwellings, but wi out any yard or convenience"; did he deci against those?—Those are what I allude against some of which he decided.

1184. What was the reason he gave for dec ing against them?—Because they were not fit habitations; he could not consider them as dw ling-houses within the meaning of the Act.

1185. Because they had no separate wat closets I understood?—Yes, and that they w filthy poor places.

1186. Therefo

1186. Therefore they were not fit to live in?—Yes.

1187. Was any evidence given?—None but that of the overseer, because the people had no opportunity; no notice having been given of objection, the people had no opportunity of defending their votes.

1188. Two thousand four hundred people with no notice of objection were struck off upon the fiat of the revising barrister himself?—Yes.

1189. Is it a matter of fact that at Tynemouth there are several houses of 20 *l.* annual value which are destitute of such conveniences as those which induced him to strike off the names?—It is a fact, but the 20 *l.* houses were not struck off.

1190. It is a fact that there are 20 *l.* houses which are obnoxious to the same objection?—Yes.

1191. Was objection taken to the ruling?—Yes, very strong objection.

1192. Was it alleged, and a case decided of Smith *v.* James quoted to show that by law the revising barrister had no power to strike names off without objections having been served on the parties?—Yes.

1193. What did the barrister say to that case?—He did not consider that that case applied. He had fully made up his mind on the question that he was entitled, in the case of names put on by the overseer, to strike them out if he thought the qualification was not good.

1194. Without any objection being made so as to give notice to the parties to come and defend?—Yes.

1195. Mr. *Bourke.*] Without any objection to names?—Yes.

1196. *Chairman.*] The barrister having so decided, was an application made for appeal to the Court of Common Pleas?—Yes, an application was made for an appeal to the Court of Common Pleas, but he decidedly refused it; repeated application was made.

1197. He disfranchised 2,400 people without an objection, and refused an appeal?—Yes.

1198. What was your opinion as to the manner in which, generally speaking, the business of the revision court was conducted, were you satisfied or dissatisfied with it?—Very much dissatisfied.

1199. Besides this particular point you have spoken of, what besides did you see to object to in the conduct of the revising barrister?—The fact of its being left to the overseers to decide what should be struck out and what retained, inasmuch as the overseer alone was there to say that such a man's house came under No. 1, or such a man's house under No. 2, and the result of the whole was, that when the revision was finished it was found that very great inequality had taken place.

1200. Did the register, as ultimately published, correspond with the list as settled by the revising barrister?—Not entirely so. It corresponded, I believe, with the list as it was written in his own handwriting; that is, initialled, but it did not correspond with his decisions. There were two cases struck off which he had decided in court, after considerable discussion, should be retained.

1201. And ultimately they did not appear in the register?—They did not.

1202. That, I suppose, was a case of carelessness in the parties having charge of the lists, and the publication of the register?—No, they asserted not; they said the names were not put into the list.

1203. That was an act of carelessness?—Yes, it must have been carelessness on the part of some one.

1204. What took place in the neighbouring boroughs of Newcastle, Sunderland, South Shields, and Gateshead, with reference to tenements in a similar position to those struck off at Tynemouth?—They were retained without exception in all those towns, I believe.

1205. By the same revising barrister?—The same revising barrister did not sit in the courts at Sunderland, South Shields, and Gateshead; but they did at Newcastle, where there were many thousand more of the same class of voters than in Tynemouth.

1206. Did the same revising barristers, who had struck off the votes at Tynemouth, retain votes under similar circumstances at Newcastle?—They did.

1207. Therefore a similar class of voters, who were struck off at Tynemouth without appeal, were retained at Newcastle by the same authority?—Yes.

1208. Was there any complaint of their being retained by either side at Newcastle?—No, not by either side.

1209. How did that operate upon the constituency of the various towns; is Gateshead a smaller borough than Tynemouth?—Yes, it is.

1210. What was the proportion of electors at Gateshead as compared with Tynemouth?—The proportion was larger at Gateshead than at Tynemouth.

1211. How much?—Gateshead, though a smaller borough than Tynemouth, had nearly 5,000 electors, while Tynemouth had only 2,400.

1212. Did this result cause very great dissatisfaction to the population of Tynemouth?—It did; extreme dissatisfaction.

1213. Mr. *Lefevre.*] I suppose all these 2,400 occupiers had, in fact, paid a higher rate than they paid in their rent before; they had been separately rated for the first time?—Yes.

1214. And they paid a higher rate than they paid before in their rent?—Yes. In one of the largest townships they paid an exceptionally high rate, because the overseer having lost considerable time in making out his new list for the assessment committee, laid on a very heavy rate to pay all the calls that might be required for six months to come

1215. What was the composition allowed in Tynemouth?—One-half.

1216. Did the extra one-half fall upon the occupiers only?—No. Since the tenement houses have been rated upon owners, as in the position of occupiers, a reduction of one-fourth has been made, on the ground that they had of necessity to have a profit for letting out the rooms separately; that is, I mean, when we come to take the estimate of the gross rental, one-fourth was taken off the previous rental to repay the owner.

1217. Notwithstanding that, a considerable extra charge fell upon those occupiers, for the first time, in consequence of the repeal of composition?—Yes; I misunderstood the question. In many cases the owners made no return to their tenants, and in many others only half the rate paid.

1218. A considerable extra charge fell upon them?—A very large extra charge.

1219. Notwithstanding that, they did not get their votes?—No, they did not.

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1220. Has there been a rate collected since the registration you spoke of?—Yes.

1221. Are those people still rated under that subsequent rate?—In one of the townships, I believe, they were for one quarter; but in the principal township they were not.

1222. Were the rates collected in that principal township from the landlords?—Yes, in the case of those tenants that were struck off the list.

1223. In the other townships the occupiers, though struck off by the revising barristers, still remained on the rate book?—They all have been struck off since. There was one township where the rate was just made at the time the decision was given, or just about being made, and it was allowed to proceed; but in all the townships since, they have been rated upon the owner instead of upon the tenant.

1224. And those 2,400 occupiers have not remained upon the rate book since the decision of the revising barrister?—No.

1225. So that, if there was new registration, they would not appear upon the rate book at all?—No. I may, perhaps, be allowed to state that the revising barrister ultimately allowed detached houses of a very low class to remain upon the list.

1226. In the case of the rates which have been made since the registration you speak of, have the landlords been compelled to pay the full rate, or a composition rate?—Not a composition rate, but a rate one-fourth less; that is, with 25 per cent. deducted from what was previously the gross estimated rental, and with the other allowances that had previously existed.

1227. *Chairman.*] What sort of allowances?—Allowances for repairs, insurance, and so on.

1228. Mr. *Lefevre.*] These allowances were made under the old state of things?—Yes.

1229. And they got these allowances in addition to the 50 per cent. allowed for composition?—Yes.

1230. The result has been that the owner now pays a larger rate than he paid before the repeal of the composition, and the occupier does not get on the list of voters?—That is so.

1231. *Chairman.*] May we take this paper which you have handed in as accurate?—Yes.

1232. Mr. *Wheelhouse.*] Have you had any knowledge of the working of the registration in your borough, either as overseer or parish officer, or as anything of that sort, in days gone by?—To a small extent only.

1233. In what respect; as overseer, or what?—As chairman of the board of guardians, and 15 years a member of the town council, taking considerable interest in political affairs.

1234. You tell me that during the time compounding was in operation the composition, or rather the allowance *qua* composition was 50 per cent.: at that time who made up the deficit between the sums so allowed and that which was required; those who did not compound?—Yes, of course, those who did not compound.

1235. It was made up somehow, and those who did not compound made up the difference?—Yes; but much more was obtained from the property after the Tenement Rating Act was enacted than was obtained before.

1236. At all events, by as much as the burden was lightened through the medium of compounding, by so much was the weight borne by those persons resident in the same borough?—Yes.

1237. Mr. *Candlish.*] In point of fact the sum was not reduced, it was increased?—It was increased. Previously to the enactment of the Tenement Rating Act, a large portion of the rate upon the lowest class of property could not be obtained. It escaped altogether, because it could not be recovered from them on the ground of their poverty.

1238. *Chairman.*] Therefore the burden became greater on the persons who did pay?—Yes, that burden was lessened by the enactment of the Tenement Rating Act.

1239. Mr. *Rathbone.*] If there is no registration officer, but if registration continues to a certain extent as at present, do you consider it would be a desirable protection against frivolous objections, that before objections are allowed to issue they should be submitted to a revising barrister or magistrate, and a *primâ facie* case stated for such objection as is done with summonses?—No, I think not.

1240. You think it ought not to be so submitted?—I think not.

1241. What is your objection to that plan?—I think it would make it more expensive, and more complicated.

1242. Mr. *Collins.*] You say that 2,500 men were struck off the list by the barrister to whom notice had not been given?—Upwards of 2,000.

1243. Are you aware of the 40th section, 6 Vict. c. 18, which states that, "it shall be the duty of a barrister to expunge the name of every person whose qualification, as stated in any list, shall be insufficient in law to entitle such person to vote"?—No, I was not aware of that.

1244. And that, rightly or wrongly, the barrister might have been exercising his judgment as he thought was his duty under the 40th section of the Act I have been reading?—I do not know what Act he might think he acted under.

1245. Mr. *Bourke.*] There was no discussion on the clause of the Act?—I do not remember any about that clause; there was a good deal of discussion in the court about the way in which these persons were being struck off, and as to the propriety of a case being granted to go to the Court of Common Pleas.

1246. *Chairman.*] Was the case of Smith *v.* James quoted?—It was, repeatedly.

1247. Mr. *Collins.*] Have you considered the question of whether it would be desirable that the clerk of the union should make out the list instead of the overseers, or two clerks of the union, supposing a borough to be divided into 10 parishes, running partly in one union and partly in another; would it not be an improvement that the clerk of the union should make out the lists of all persons qualified in his union, instead of the respective overseers?—I do not think that it would. The clerk of the union is appointed with other duties to perform, and has not the means of knowing the ratepayers so well as the assistant overseers who collect the rates.

1248. Is not the overseer also so appointed?—Yes.

1249. I am comparing the two overseers, they are both appointed with reference to other duties; I am comparing the present system between the overseer and the clerk of the union; which should you think preferable?—I should think the overseer, because I know no one else who can easily obtain a knowledge of the separate occupiers of property. When I say the overseer, I mean the assistant overseer, not the overseer in the legal sense.

1250. Does

1250. Does not the clerk of the union know whether a person who occupies a warehouse in one township is the same person who occupies a dwelling-house in another township?—Not better than the overseer.

1251. The overseer only knows in his own township?—Of course he does not know the other township officially.

1252. Mr. *Candlish.*] About 5,000 names were on the overseers' first published list, were there not?—Yes, including the new claims.

1253. Only 24 objections were served to those names?—Yes.

1254. The list was ultimately reduced to 3,400, was it not?—Yes.

1255. By the action of the revising barrister?—Yes.

1256. Without objections having been served?—Yes.

1257. So that, in point of fact, one-half the original list was struck out; it was reduced by one-half?—Yes, nearly so.

1258-9. The whole of the facts which you have given connected with that registration are set forth in the paper which you handed in?—Yes (*handing in a Paper*).

1260. Mr. *Bourke.*] You do not know whether the revising barrister had ever revised before or not, do you?—One of them, I think; I believe two had not, but I am not certain on that point.

1261. *Chairman.*] Were there three acting at Tynemouth at the same time?—Not at the same time; there were two acting at the same time, but one revised the county list while the other revised the borough list. I believe there were two revising a portion of the borough list at one time; but one of the barristers left and went to London; and on the meeting the next day after he had left, one or two cases were pointed out to the barrister who was then presiding of votes which had been struck off where the qualification was good. He said that he very much regretted there should be a lapse of justice, but that he could not alter it, inasmuch as the list had been signed up to the point at which it was left by the other.

1262. Mr. *Bourke.*] Then, in point of fact, two revising barristers revised the same list in the same place?—Yes; separate portions of the same list.

1263. Sitting successively?—Yes; and after the county list was finished, and we were engaged in separate rooms on the borough lists at the same time, they were both appealed to to give a case, and both held the same view that no case should be given.

1264. Mr. *Dilke.*] You said that at Tynemouth the landlords had been in the habit of sending in the tenants' names?—Yes.

1265. They did not do that under any penalty, I suppose?—They were required to do so before the composition was allowed.

1266. By a local act?—No; when they apply to compound, they must furnish the material to the overseer.

1267. You are aware that that is not the case, are you not?—I am aware it is not the practice everywhere.

1268. You may be aware that it has been suggested to introduce that practice everywhere under penalties, if compounding be restored?—I did not know that that was so.

1269. Do you think if there is a penalty, it would be possible to exact the loss of the advantage of compounding by the landlord?—I think that penalty would induce the landlord to send in the names.

1270. *Chairman.*] If he failed to do so, the voters would be disfranchised?—Yes.

1271. In fact, the franchise of the occupiers would depend on the conduct of the landlord?—Yes. In the Tynemouth revision, I ought to have stated, when speaking of the effect of the way in which the revision was made, that there were three or four persons who paid 10*l.* rent, who were struck off without any objection, although they had been for years on the list.

1272. I see in that rate book page after page occupied by the same owners?—Yes.

1273. There are hundreds of voters who are tenants of the same owners?—Yes.

1274. A miscarriage of one owner to send in the names would disfranchise hundreds of votes, would it not?—If the overseer did not obtain them; but I presume he would not strike them off, having once obtained the names.

1275. Mr. Dilke has put this question, whether or not it might, under the penalty of losing the benefit of composition, be left to the landlord to supply the names: would it not happen if the landlord did neglect to supply the names, that those people would be disfranchised?—I see that I was, perhaps, mistaken in thinking the composition sufficient; there ought to be some penalty in addition.

1276. Mr. *Candlish.*] If I had a hundred tenants, and failed to send in the names of those tenants, I, by that failure would sacrifice a hundred votes, would I not?—If it were made entirely dependent upon that.

1277. Mr. *Bourke.*] In such a case as that they could all claim?—In that case they could claim, of course.

1278. Mr. *Dilke.*] If you approve of that suggestion, you do not, by approving of it, say that it would be still a good thing in itself to make the rate book the basis of the register; but you go so far as to think that that is better than no system at all?—Yes; I think the overseers possess the most knowledge of the parties who have to come on the register under the new Act.

1279. Mr. *Bourke.*] Can you suggest a better process than the rate book?—I cannot.

1280. *Chairman.*] As I understand, your rate-book at Tynemouth is very accurately kept as regards the occupiers?—Very fairly so at the present time; but I think it would be rather unfair to assume that because for a few months we have had an accurate list, that that would always remain so, without some additional means were taken.

Tuesday, 27th April 1869.

MEMBERS PRESENT:

Mr. Wentworth Beaumont.
Mr. Bourke.
Mr. Candlish.
Mr. Collins.
Mr. Dilke.
Mr. Harcourt.
Mr. Hodgkinson.
Mr. Lefevre.
Mr. Morley.
Sir Stafford Northcote.
Mr. Rathbone.
Viscount Sandon.
Mr. Wheelhouse.

W. VERNON HARCOURT, Esq., in the Chair.

Mr. Sidney Smith, called in; and Examined.

Mr. *S. Smith.* 27 April 1869.

1281. *Chairman.*] You are, as we all know, a gentleman, who for many years past has taken an interest in the question of registration in the City of London?—Yes.

1282. And elsewhere also; your experience is not confined to London?—Not entirely.

1283. I will ask you, generally, in your judgment, is the present system of registration in boroughs satisfactory, or the reverse?—It is extremely unsatisfactory.

1284. In the first place do you consider that the original lists published by the overseers as the basis of the register, is as a general rule a satisfactory list to start with, of the persons entitled to vote?—No, it is not; a great number of names are omitted from the basis of the register which ought to be on it. A great number of persons who are perfectly qualified are not rated, who are entitled to be rated and registered, and as they are not in the rate-book the overseer has no materials for placing them on the register.

1285. As a fact, is it the case that the overseers' list is a mere transcript of the rate-book?—Necessarily it must be, because no person who is not rated can be registered, except, indeed, in extra-parochial places, or parishes in which rates have not been made.

1286. The Registration Act requires that people shall be registered who are qualified, on the 31st of July?—Yes.

1287. I suppose, as a general rule, the rate-book does not exhibit that qualification with reference to that date at all?—With reference to the rating, it is only required that a person shall be upon all rates which are made within the electoral year. There are many cases in which rates are not made at all.

1288. The point to which I wish to call your attention is this, the words of the Act require that a person shall be resident in the place for which he is qualified on the 31st of July?—It requires that he shall *occupy* the place under the Act of 1832, or reside under the Act 1867.

1289. As a fact, do the people who make these lists ever make any examination whatever, whether the person is resident on the 31st of July at that place, or do they simply take the names as they happen to find them in the rate-book?—By "residence" do you mean occupation?

1290. Yes, I mean occupation?—Of course they have simply the rate-book for it; sometimes persons who are what some would consider supererogatory in their notions of their duties do take that trouble, but it is not a common case.

1291. How is it possible that a person should publish on the 1st of August the names of all the people in the borough who were occupying on the 31st of July?—In point of fact it is a fiction.

1292. So that, in point of fact, there is no attempt whatever to carry out the law as it is laid down?—There is evidently not the proper opportunity for it; I may mention that the date of the 31st of July is an extremely inconvenient one, and I fancy the legislature originally intended it to be inconvenient, that is to say, when it pretended to qualify after 12 months occupation it really meant that it should be 15 or 20 months, so as to push it over the usual letting term; the statutary day has no justifiable reason for its adoption; it ought to be either the 25th of June or some quarter day, else necessarily the electors must have occupied for more than 12 months.

1293. These are the words in the 27th section of the Reform Act in which the date of the qualification is stated, "Provided always, that no such person shall be so registered in any year unless he shall have occupied such premises as aforesaid, for twelve calendar months next previous to the last day of July in such year," and so on?—Yes.

1294. As a fact, do the overseers or the people who make out the lists, ascertain whether the person they put down in the list, has occupied such premises for 12 calendar months next previous to the last day of July?—I do not think they do. I believe they are regulated by the rate book. If they do see a person on all the rates levied during the electoral year, they take it for granted that he has occupied for the necessary period.

1295. Whilst in point of fact he may have gone away for several months; the last rate may have been made several months before the last day of July

ily?—Yes; there are cases of what we call ccessive occupation, in which we have to hunt ople up in another parish, and we find that ey are entered on lists of each of the parishes which they have been rated for any part of e year.

1296. Or such a person may be living in other borough altogether?—Yes.

1297. Therefore, in point of fact, the existing stem hardly pretends to do that which the law quires?—Well, scarcely; it relies upon a ma- inery of objections and claims, besides the duty overseers.

1298. So that there is no substantial attempt make the original list what it ought to be, to m the register?—Not to make a register with y degree of precision. I may mention that the st year that I undertook the registration we de 4,000 claims to be rated, equal to 20 per nt. of the whole of the persons on the lists.

1299. Mr. *Bourke.*] How long ago is that?—was in the year 1843.

1300. Mr. *Candlish.*] You are speaking of the y?—Of the City of London. It is much worse many other places. I recollect, in Marylе- ne, the lists were very imperfect.

1301. *Chairman.*] I understand you to say that overseers' list is practically formed from the e-book, and the rate-book, even if the occu- rs' names were fully entered in it, would not resent the residential qualification at all?—; it affords no indication of the residence, only the occupation of the voter.

1302. Assuming it to be absolutely correctly ot, the rate-book could not represent the resi- tial qualifications without further examina- n?—No, not without further examination.

1303. Now, as regards the entry of the names he occupiers in the City of London, what is fact; are the occupiers universally or gener- y entered in the occupiers' column in the rate k?—The practice of compounding, or at least owner paying the occupier's rates, is so com- n in the City of London, that a number of ners of houses consider that if you take, as a ant, a place from them, it is implied (the ctice is so universal) that the landlord pays all rates; that is the implication, almost by the tom of the City.

1304. Is the result of that, that the names of occupiers are not entered generally in the upiers' column in the rate book?—Certainly; have, from continuous elaboration of the busi- s of claiming to be rated, directed the over- rs a good deal more to the full execution their duty than we did at first; my first r's experience was that 4,000 persons, out of 000 qualified, were omitted from the rate- k. The overseers now construct their rate- ks with greater precision in consequence of intervention of registration agency by poli- l associations.

1305. In your opinion, is it a desirable thing t the people who make the basis of the register uld be kept to their work, and do it under the ection and assistance of political associations, would it be better that there should be some ial person for that purpose?—It is altogether constitutional, and utterly absurd that the ranchisement or disfranchisement of a people uld be dependent upon political agents of any t.

1306. In point of fact, is the overseers' list le out to a considerable extent by consultation 43.

with the agents of both sides?—We have meet- ings every year, and we correct the lists every year. The parish authorities have been so ac- customed to the co-operation of these agents that almost every one of the parishes applies to us every year for information; we give it them, and furnish copious materials for correction of their lists accordingly.

1307. It has been suggested that there might be some objection on account of the registrar being tainted with political sentiments, but, as a fact, I understand you to say that the overseers now practically act under the inspiration of the political agents?—So far as getting information is concerned, of course, they do to a certain ex- tent; so far as political partialities are concerned, I cannot charge them with that. I have occa- sionally found what I considered a spirit of that kind, but I think that the Committee must know for themselves that gentlemen who are elected by household suffrage may at any time be biased by the persons who elect them; it is not likely to be such an independent body.

1308. Even assuming that the rate-book is to be kept as the basis of the register, in your judg- ment, is it perfectly necessary that there should be some one responsible person to see that that rate-book is accurately kept, for political as well as economical purposes?—I think it is quite so, especially since the late Act, by which so many poor persons have been admitted to the rights of the franchise, and are not able to attend to the matter themselves.

1309. That is to say, if the rate-book is to be kept as a political document, there ought to be some political guardian of its correctness, as well as an economical guardian of its correctness?—I think so. In proof of that suggestion I may ob- serve that, so far as I am aware, the only lodgers registered under the last revision for the City of London were enfranchised through my agency, and I may say that they in a measure decided the fate of the election.

1310. If they had been left to themselves, and not looked after by a political association, some of them would probably have never got there at all?—I do not think that any of them would have got there. It is a very irksome process; unless individuals are engaged for the purpose, you cannot get people to be kicking their heels all day at the registration courts, to be bored with the forensic dialectics of registration agents, and edified by the judgments of revising barristers, before their cases come on, especially if they are poor people dependent upon their day's work.

1311. Is that a desirable way for people acquiring the franchise, only through the in- strumentality and by the assistance of political associations?—It is a very bad way.

1312. It exposes people to temptations to which they ought not to be exposed?—Certainly; and it creates an artificial instead of a natural franchise.

1313. In your judgment, is it not the business of the State to see that people who are entitled to be placed on the register should be there quite apart from the operation of political associations?—I think so.

1314. We all know that a person who is omitted from the rate-book may claim to be rated; according to your experience, is that a thing which the poorer classes of voters will ever do for themselves?—Neither the poorer nor the richer classes, even those who are paying 500 *l.*

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a year rent, ever do take the trouble. And it is not merely the trouble, but, unless it be done with finical precision, the operation may fail. You have to make a tender of all the rates that may be due in respect of the premises at the time you serve the claim, and you must tender the same in the current coin of the realm; you cannot even offer a cheque for it, and so on. You must be sure, moreover, that you serve the claim on the proper officer, at the proper place, and preserve a reliable record of the service.

1315. There is the case which, I think, illustrates what you say: "B. had never been rated, his landlord's being the only name on the rate, and there were arrears due. B. called on the overseer, and gave him a notice of a claim to be rated, and asked if any rates were due. The overseer replied he did not know. B. then said, 'If there are, I am prepared to pay them.' The overseer said, 'I'll see to it.' Nothing more was said or done, then, or afterwards. The Court said that there was neither payment nor legal tender, nor a sufficient tender, if anything short of a legal tender would be a compliance with the Act; and, as the overseer was a public officer, there could not be a dispensation with the tender"; is that the illustration of how practically inoperative the claim to be rated is?—Yes; only one out of many examples of the perversion of the right of representation into an argument at *nisi prius*.

1316. Have you considered the question as to whether the original list would be more conveniently made out in the form of a street list, compared with an alphabetical list?—So far as the City of London is concerned, I should have considerable doubts about it. I think, if I recollect rightly, there about 120 parishes in London. You will have one street in a dozen parishes, perhaps, each parish having a bit of a street, and there would be no sort of consecutive arrangement.

1317. You do not quite understand my question: first of all, how many polling districts have you in the City of London?—Twenty; there are 19 and the livery, which make 20.

1318. Though there might be some exception in the case of long streets, each street as a rule is in one polling district?—No, that is not so.

1319. Not as a rule?—Not even as a rule in the City of London. I merely speak of such streets as Cannon-street, Cheapside, and so on. Such streets would be in two or three polling districts even.

1320. Is not the parish system open to the same objection; I have in my mind the city of Oxford; High street, Oxford, is in six parishes, so that the High-street appears in six different parish books; would not, therefore, Cheapside and other long streets in London, be in many parishes?—Yes, quite so, and, therefore, if you had a street list confined to the parish, you would have only a small bit of a street.

1321. But I do not propose to confine it to a parish at all; my proposal is this: a person lives in Cheapside, and instead of going to look for his name in the parish book, he would go to the list for Cheapside, and look for his number; here he would find his name, or he would not find it, according as it was or was not there; that would remedy, would it not, the very evil that you complain of, of breaking up Cheapside into several fragments?—It depends upon the mode of constructing the register. If you did away with the parochial system, you would be parting with the rate-book as the basis of registration, I expect; and I confess, that notwithstanding all I have read of the debates in the House of Commons, I am not disposed to dispense with the genuineness which rating gives to the franchise: I think it makes the register more reliable and perfect.

1322. Even assuming you to keep the rate-book as the basis of the register, there is no reason why you should not have the street list, if you had a certain registering officer, who would take the rate-books from the different parishes, examine them, and enter the people in the street list, according as they had or had not paid their rates?—He might do that.

1323. I mean that is not indispensably bound up with the rating question?—No. Then there is the question of finding a person out, whether he is registered or not. You do that much more conveniently by his name than by his locality.

1324. How so?—A man comes in and says, "Am I on the register"?—Well, I then turn to his name.

1325. But suppose you said, "Where do you live"? and he said, "25, Cheapside"; you would look to Cheapside, No. 25?—Would you have an alphabetical topography, or how would you do?

1326. The streets might be arranged alphabetically; say, Albion-street first; then, in its place, Cheapside would come, and so on; so that you would turn with great facility to the street, and find a man's name; as Mr. Dilke suggests to me, you must now know where he lives, or you would not know to which parish list to turn?—So far as we are concerned, we have an alphabetical register, but we would inquire where his parish was.

1327. You might inquire for his street and number, and look to see whether he was there or not?—Yes.

1328. Do you consider, or not, that there is a disadvantage in the making out of the register being left to the discretion of as many persons as there are parishes in a borough?—Very great inconvenience, I think.

1329. Therefore you would desire to have one single person having the control of the register, whatever basis of franchise was retained?—Certainly; and that must be a person of thorough knowledge and education.

1330. Assuming you to keep the present system, such a person would see that the overseers did their duty, that the rate-books were properly entered, and that persons names were properly placed upon the list?—He might do so.

1331. If the rating system were abandoned it would be his business to make out the list according to any other system that might be adopted?—Yes.

1332. Therefore the appointment of the registrar is not a question that depends upon keeping the rate-book or not, as the basis of the register; in either case you would desire that there should be such an officer, to have control of the whole affair?—Certainly; I may mention that that has been already recommended by a Committee of the House of Commons, a great many years ago.

1333. Was that Mr. Hunt's Committee?—No; it was long before his time; I think Mr. Villiers was Chairman of it.

1334. Do you happen to remember what year it was in?—I do not recollect the year.

1335. Mr

1335. Mr. *Dilke.*] Was it before the Registration Act?—No; I think it was after the Registration Act; very soon after.

1336. *Chairman.*] I daresay you heard what was said before the commencement of your examination; I will ask you some questions upon that: if there were a single responsible registrar, do you think that it would be a good thing that he should consider the objections and claims which might be made to his first list, and having considered those objections and claims, that he should publish an amended list which might correct accidental errors, capable of correction, which appeared on the first list?—Yes; I think that that would do. In point of fact, we do that to a great extent with the overseers now; we correct all the overseers' lists.

1337. That is, before they are published?—Yes.

1338. Have the overseers any power to alter the list, except in the revising barrister's court, after it is published?—No.

1339. Assuming the list to be published by the overseer, and that it contains errors which might be easily amended, there is at present no power on the part of the overseers to amend that list?—No power.

1340. Without the parties being brought into the revising barrister's court?—No.

1341. Do you think that a great deal which is now done in the revising barrister's court might be done more conveniently for all parties by the registrar reconsidering the list and amending it wherever he thought it could be advantageously amended?—Yes; of course, that would be very useful. You must then have a registrar who is perfectly responsible, because the reason why persons make objections now is to get persons struck off the list. If they do not serve that object they will not make the objections. If the objections are not made, the lists will remain final, quite incorrect, as they always are where there are not agents for the purpose of correction and objection; and therefore it is absolutely necessary that you should have a responsible person to see after that. You must be able to contrive your legislation so that you will have correct lists, without the necessity of objections or claims, as a general rule.

1342. No doubt; still, of course, you would not remove from voters the right to make objections or claims if they choose to do so?—Certainly not.

1343. After the revision by the registrar of his own list, those objections and claims which still remain would be objections and claims against which he had practically decided?—Yes.

1344. Do you think that the persons who urge them, might carry them up if they thought fit, to the revising barrister's court?—Yes.

1345. Then, in the revising barrister's court, the registrar having investigated the case, would be able himself to bring before the revising barrister's court the grounds upon which he had acted, and say why the objections should not be admitted, and why the claims should not be admitted?—Yes; and in nine cases out of ten, that would dispose of the whole matter without the necessity of any evidence.

1346. The registrar would be able to bring before the revising barrister facts upon which the decision ought to be given?—Yes.

1347. Would that produce, in your opinion, a better state of things as to the voters, and a more satisfactory condition of things with regard to the state of the register?—I think much more so; indeed, I think something of the kind is indispensable, when you have extended your franchise to such an enormous extent as has been done.

1348. For that purpose should you consider that it would be proper that all objections should state upon the face of them the specific ground upon which they are founded, so as to call the registrar's attention to the point which it will be his duty to investigate?—Well, I have found that the experience of the revising barristers is very much against calling upon an objector to state the nature of the objection.

1349. Let me ask you this: if the registrar is to investigate the validity, or not, of the objections, is it necessary that his attention should be called to the point upon which the title of the voter to be placed on the list is challenged?—I think it is quite necessary that the registrar should have information as to what the specific ground of the objection is.

1350. I am proposing that in the first instance the objections and claims should be served upon the registrar?—Yes.

1351. Would not it be desirable for that purpose that the objections so served should state what are the grounds upon which the title of the voter is challenged?—Yes, unless it produces what I call technical objections. For instance, the law just now in counties is that you shall specify the nature of the objection; that you shall specify to which column of the register the objection applies; that is a complete blunder; there are a great number of objections that do not apply to any column of the register at all; therefore you are called upon to do what is impracticable.

1352. But that might be remedied by making the law with reference to the nature of objections less technical?—Yes; by making it less technical.

1353. If that were so, and if the registrar had authority himself to judge whether the objection was sufficiently specific, and to say to the objector "this objection will not do, you must state it more specifically"; should you then approve of some notice being given to the registrar to set him upon inquiry?—Yes, I think that would be quite reasonable; whether it might or might not be by summoning the objector, and getting information from him *vivâ voce*, I do not know; the registrar ought to have an office open the whole year round, and be always ready to receive and give information.

1354. I have a letter here from a gentleman, and I want to ask you whether it is consistent with your experience; he says, "in one parish in this borough, 1,000 objections were disallowed by the barrister at the last revision because the objector did not state on which part of the list his name was to be found, and by the use of the word 'borough' instead of 'parish,' 1,000 bad votes were retained on the list by this technical error"?—Yes, that is quite consistent with my experience; in point of fact, the whole franchise of the people is just emptied into an attorney's brief bag; it is a question of special pleading from the beginning of the franchise to the end of it. If you appoint a competent registrar you might discard all formality in claims and objections; either might be mere memoranda, supplied by any person, no matter who, to inform the mind

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mind and direct the inquiries of the registrar; either claimant or objector, in that case, might be mere *amicus curiæ* informally, or even ultroneously, assisting the registrar with suggestions or information; his first might be treated as a mere proof-list, to correct which the claimants and objectors would come in with their information; the second, that is the list corrected by the information received, would be that which would go to the court for revision; the claimant or objector dissatisfied with the award of the registrar, by a simple notice to him that he appealed to the court of revision, should have the right to be heard; there need be no publication of these appeals; let the registrar send to claimants and persons objected to notice of the time when their cases would be heard, and all will be done that is necessary to secure a true register.

1355. According to your experience of the working of the registration system, is substantial justice defeated by the extremely technical character of the decision upon questions of objections and claims?—Yes.

1356. Do you see any objection to the claims in the case of lodgers being sent in previously to the publication of the registrar's list, so that he may himself satisfy himself as to the validity of those claims before he puts them on the list?—I think it is a great hardship that a lodger, if you are to give him the franchise, should be compelled to claim at all; I am quite sure that it will operate to make the privilege perfectly illusory; that a lodger franchise, if it is to be kept as it now is, will turn out to be a perfect imposture; lodgers will not come and claim every year for the same franchise; I do not know that there is one lodger who made his own claim in the City of London; we made claims for them, and where we did not, the technical objections made against every claim were such, that nobody knew who had the franchise and who had not. I may add, that the judges of the Court of Common Pleas have since confessed their own inability to understand or interpret the law.

1357. What would you propose with reference to the lodgers?—The last Act for the representation of the people, calls a lodger a person who occupies separately as sole tenant (that is the definition given in the Representation of the People Act, of a lodger). The interpretation clause says, that any part of a house shall be deemed to be a dwelling-house, which is separately rated to the relief of the poor, and there is a decision, Cook *v.* Humber, in which Chief Justice Erle adjudged, without reference to this new franchise, that under the old franchise a lodger was just as much a tenant, and, therefore, quite as well entitled to be registered under the old franchise as a tenant, as he will be now as a lodger. He finds that it does not matter what sort of a tenant he is, whether he is a tenant at will, or a termor, or a lodger, because the 27th section of the Reform Act says, "any person who shall occupy as owner or tenant"; that is to say, as a person holding from some one else, and a lodger does that, must do it to satisfy the definition of the Act of 1867 (sect. 4, clause 2), which describes him as occupying "separately and as sole tenant," and the simple solution of the whole difficulty is to get him rated as any other tenant or occupier is.

1358. That is quite true, and your contention I understand is, that the lodger is a person who is or ought to be rated?—Certainly; he is a tenant in the eye of the law. His goods are liable to be distrained for rates and taxes. He is liable under the Act of Elizabeth to be rated because he is an inhabitant; if he is not an inhabitant (not a tenant occupying "solely and separately", he is not a lodger within the definition of the Act.

1359. But then, was not that view in fact overruled by the case of Stamper *v.* The Overseers of Sunderland, because that was a case in which a house, originally built as a residence for one family, was let out in single rooms by the week, the landlord not residing in the house or exercising any control over it, or supplying the tenants with any attendance, the tenants having the exclusive control over their rooms (the furniture in which was their own), together with the right to the common use of the staircase and offices belonging to the house. It was held that the case came exactly within the words of the exception, viz., a house "wholly let out in apartments or lodgings"; and that that the words "not separately rated," meant "not, in fact, separately rated at the passing of the Act," and not, "not liable to be separately rated," which indeed they would have been under the Statute of Elizabeth as separate tenements, and therefore, that the rate which the overseers had imposed upon the occupiers of the several rooms, for the first time after the passing of the Act was bad, therefore, in point of fact, the Court of Common Pleas decided that persons in that situation were not liable to be rated; before you answer me I will add these words: I observe that Mr. Justice Byles, and Mr. Justice Smith, stated in that very case that such persons would be lodgers within the meaning of the Act, and that they were not liable to be rated?—Within the meaning of the Representation of the People Act?

1360. Yes?—My answer to that is, first, the judges declared that but for the provision of the 7th section clause 2 of the Act, the law regarded each occupier as a tenant entitled and liable to be rated. Second, that that clause provides the owner shall be rated, but nowhere says the occupier may not. Third, that exemption from a hundred is not at all the confiscation of a right. The Statute had provided that in all cases the liability of the owner should cease. It required to make an exception, but by reviving the liability of owners it cannot be held to have intended to degrade the parochial *status* of occupiers. Fourth, the Act of 1832 is part of that of 1867, and the 27th section provides, not that every tenant, but that "any person occupying" may claim to be rated to the relief of the poor, "whether the landlord shall or shall not be liable to be rated." It directs that the overseers shall put "his name on the rate," and such occupier "shall, for the purposes of the Act, be deemed to have been rated." The Representation of the People Act says, where a place is wholly let out in apartments, the owner shall be rated in place of the occupier; but that is a mere accidental provision which does not necessarily affect this case, because there are many lodgers in places which are not wholly let out, and especially in London.

1361. What you are proposing is an alteration in the law, instead of contending, that, under the existing law a lodger is a person that could be, or ought to be, rated?—Well, with great submission to the superior judgment of judges, who confess

confess their own inability to interpret the Act, and who have, in the case of Cook *v.* Humber, most properly upset the whole of the previous course of their own decisions, I cannot see why under this law, as it stands, it is not perfectly competent for a lodger to claim to be separately rated; and if he is so, and occupies a dwelling-house within the meaning of the Act, he is as much a tenant as any other person.

1362. The words of the 7th section of the last Reform Act are these: "Where the dwelling-house or tenement shall be wholly let out in apartments or lodgings, not separately rated, the owner of such dwelling house or tenement, shall be rated in respect thereof to the poor-rate": therefore it states, that in the case of lodgings and of dwelling-houses, or tenements wholly let out in apartments, the rate shall be on the owner, and not on the tenant?—Permit me to say the section provides that the owner shall be rated, but nowhere adds that the occupier shall not. Does it follow, that because the owner is liable to be rated under this Act, a tenant is not entitled to be rated under the 30th section of the Reform Act? Is it to be said, because relief is given to persons occupying apartments let out wholly, that they are not entitled to be rated, if they chuse to be rated, and place themselves in the position of occupiers?

1363. What you desire is, that whatever the state of the law may be, lodgers should be treated as rated tenants?—Yes.

1364. I understand you to say, that notwithstanding the existing law, although the owner is primarily rated under the last Reform Act, yet under the 30th section of the old Reform Act, which is continued in this Act he might claim to be rated?—Yes, he might claim to be rated; the Representation of the People Act does not disenable a tenant from being rated; in the case of Stamper the court quashed the rate, because the person who was rated said, "I do not want to be rated"; but that is different from where a man said, "I am an inhabitant, I am entitled to be rated"; and I should like to know whether he should not be entitled to claim to be so rated, notwithstanding that case before us?

1365. You argue that lodgers should be treated as rated tenants?—Yes; then they would be exempted from the necessity of making annual claims.

1366. Do you think that lodgers would like to be rated?—They do not increase their liability in the least degree, but on the contrary, restrict it; at present, the law is, if a lodger lives in a house which is rated at 100*l.*, and he only pays 10*l.*, his goods are liable to be distrained for the whole amount of the rates; whereas, if he claims to be rated for so much as he occupies, he is really restricting his liability; it is a positive advantage to him.

1367. With poorer classes of tenants, do not you think that the primary liability to pay, should be on the owner, and not upon them?—The 30th section of the Reform Act says, that a man is entitled to claim to be rated, whether the landlord shall or shall not be liable; the claim to be rated is not in point of fact rating him. The words of the Act are very peculiar; they say, then the overseers shall put his name on the rate." It does not say that the overseers shall rate him, but that they shall put his name on the rate.

1368. Do you think that as a fact, the poorer class of lodgers would claim to be rated?—I think they would; they have only to do it once for the whole time they occupy, by the provision of Sir William Clay's Act.

1369. You say, "The whole time that they occupy," but how would it be ascertained whether they continued to occupy, because if they are not to be rated each year, how would you ascertain whether the lodger continues to occupy the same premises?—You ought to continue to "put his name on the rate for the time being" as long as he is there; if you do not continue him he ought to have his remedy.

1370. You must have an annual examination of whether he continues to occupy?—To be sure. The overseers are bound to make it in reference to ordinary claiming tenants. Why are they not to do so in reference to lodgers, who are only tenants "with a difference"?

1371. Do you think one of the advantages of having a single officer to superintend the register would be that duplicate entries might be more effectually removed, than they are at present, from the lists?—I do not know how you can deal with duplicate entries; a man has half-a-dozen qualifications, and he is placed upon the list of each place for which he has a qualification. I know persons in the City of London who are entered as many as six or seven times on the register. So long as the House of Commons refuses to regard the register conclusive of the title to vote, and admits of a scrutiny, you must continue to enumerate every qualification of an elector whose poll may be challenged.

1372. Why could not the officer who has the control of the list, place him on only for one?—If you put all the places for which he is qualified within one bracket, that I think might be quite practicable; in that case it might easily be done.

1373. It would be easy to refer to him by a number; if you put his name down only once, when you came to his other qualifications you would say his number is so and so on the register?—We have upwards of 2,000 duplicates in the City of London out of about 20,300. The process of tracing the identity of different qualifications is elaborate, and without much labour would be imperfectly performed.

1374. You are aware that there is a provision under the Act for the amendment of the county registration for removing duplicate names?—I am aware of that; but it might be superseded, so far as the barrister is concerned, by giving the overseers a discretionary power to correct the register by such information as may come to their cognisance. The power of amendment is given to the revising barrister, because it is withheld from the overseers.

1375. And, in fact, in the counties where a country gentleman has a number of estates in different parts, he is only entered once?—Very often. He can only be registered for freeholds or leaseholds by claiming. If he neglects to claim, he can only come on by the overseers rating him to the value of 12*l.*

1376. I want to ask you your opinion, from your experience of the working of the revising courts at present in operation, is that system satisfactory or not?—That is extremely unsatisfactory.

1377. In what respect?—There is a great uncertainty, and a great variety of decisions. The

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law is ambiguous; judgments are without uniformity; objections and claims are a lottery; a point of law may affect 1,000 votes. If you have had the mere luck to serve objections on the speculation of its being ruled in your favour, and you succeed, you "scatter your enemies, and make them fall"! but you may honestly think the point a doubtful quirk, abstain from raising it, and find your adversary, by taking the precaution of objecting, carrying all before him.

1378. I have got before me a statement on this subject, and I want to know whether, according to your experience, such things would be likely to happen: "tenants' names, who pay the rates, are frequently omitted, sometimes the entry is 'Smith and others'; our revising barristers, last year, admitted 30 or 40 claims from persons whose name were concealed under 'others,' and disallowed, 15 claims of persons, whose names were in the list, without any corresponding entry on the rate-book"?—That divarication of the interpretation of the law undoubtedly greatly prevails, and with the same barrister at different times, even under the same revision. The whole system is full of quirk and attorneyship, hair-splitting and refining. The barristers are not to blame, but the law. The very instance adduced proves this. There is as much to be said for one view of the law as the other.

1379. Do you think that the powers of the revising barrister to amend, ought to be enlarged?—Yes; there is one power that they obstinately refuse to exercise, the refusal of which has been the cause of disfranchising a very great number. Under the 40th section of the Act, they are entitled to correct any mistake that may be proved to them to be made in any list, and yet, when you prove distinctly that mistakes have been made, they turn to another portion of that Act, which says that no evidence shall be given of any other qualification than that which is described in the list; then if the overseer has put No. 2 instead of No. 1, the revising barrister says, that is a different qualification, and he cannot receive any evidence, although it is the most palpable clerical mistake, and although the Act provides that any mistake that shall have been proved to him, shall be corrected; yet they have uniformly refused to act upon it in the City of London and other places. Where the parochial authorities have taken to a particular system of numbering and they enter into a battle with the Commissioners of Sewers as to another system of numbering, the poor voters are placed according to the numbers of one authority, and they are disfranchised, because they have not adopted the numeration of the other.

1380. Upon that let me ask you this question, do you think that in any act for the amendment of registration, there ought to be some compulsory powers given to enforce the numbering of houses and streets?—Unless it were considered as immaterial to the franchise.

1381. Does not it throw some difficulty in the way of ascertaining where a voter lives, and testing his qualifications?—We very seldom find so, because we go to the rate-book and the locality, and very easily find it out, so that practically I do not find that there is any difficulty. It is a very convenient objection for an objector to make, to say that he was directed to No. 2 instead of No. 1, when he knew the number very well.

1382. I will ask you whether this statement corresponds with your experience. "A barrister refused to alter the name of Holyland for Hoyland (that is simply putting the *y* before the *l*); evidence was given that it was a typographical error, and the last year's register confirmed the evidence, but the barrister said his powers were limited, as he could alter a Christian but not a surname": is that the sort of things that constantly happen?—Yes; and that is quite wrong, because the 40th section clearly gives him the power of amending even the surname. Besides, the plea of *idem sonans* would apply, and the provision as to literal diversities, which are "commonly understood" to be virtually identical.

1383. But is that the view taken by revising barristers?—Yes; and as frivolous mistakes as that have disfranchised many persons.

1384. Mr. Dilke suggests that upon one register people who were entered as Colonel so and so, and General so and so, were struck off on account of it being an insufficient description of them; does that correspond with your experience?—In degree, but, I own, not in kind.

1385. Should you desire, having a view to these miscarriages of substantial justice, that there should be some superior authority to instruct the revising barrister by general rules of the Court of Common Pleas or the Home Office, or some other authority that should, from time to time, make directions for the government of revising barristers in these things?—That is a very difficult question to answer, because in point of fact it is practically delegating to an executive authority some power that very nearly trenches upon the franchise, that is to say, the giving or withholding of the franchise. The suffrage is settled by the Three Estates. It might be dangerous to give the Executive a discretionary power of interpretation. At the same time, if the Home Office was annually to report any instructions it might give to revising barristers, and power were reserved to either House of Parliament to set them aside, the device suggested would be eminently useful.

1386. What you would desire would be that the power of amendment in the Act itself should be made much more explicit and imperative?—Much more so. What is infinitely more required is, that the franchise should be much more simply described and interpreted than it is.

1387. Do you see any advantage whatever in adhering to the date of the 31st of July as the qualifying date?—I should think it would be a great advantage if it was really meant to give the people that which is ostensibly conferred upon them, that you should take a quarter-day for the time, because it is quite clear that as the custom of this country is to go by quarters, if you pushed over any quarter-day you, in fact, compel a man to occupy for more than 12 months in order to give him the qualification; therefore you should commence the qualification at the quarter-day.

1388. Mr. *Candlish.*] Is the quarter-day uniform throughout the country?—It is pretty nearly uniform.

1389. *Chairman.*] That would rather apply to the higher class than the lower class of voters; I take it that the greater part of newly-enfranchised people do not occupy by the quarter-day throughout the country; they would be weekly tenants rather than quarterly tenants, would they not?—Yes, I daresay they would.

1390. Mr.

1390. Mr. *Wheelhouse.*] You said that you nought that it would be desirable that there ould be a political guardian as well as an eco- omical guardian: I infer from that, that your al meaning is, that there should be some City ssessor; that is pretty nearly all, is it not?—It ppears to me, that to judge of who is qualified be registered, requires totally different quali- cations from those which are required for mere aluation of a rental, or anything of that kind. he law relating to the franchise is extremely tricate.

1391. It has been said that, very probably, a erk of the Union Assessment Committee would the best officer for that purpose in England; you agree in that opinion, or do you think it ould be desirable to have some other officer than e clerk of a Union Assessment Committee, and derstand when I say, that I do not wish to nfine you to the City of London, because I now that that is a very long and urban consti- ency in every way; take the small boroughs to your consideration in answering the ques- on?—My idea is, that it requires a person who thoroughly versant with all the law in reference the franchise and registration; that a person o can judge of whether a house is worth . or 4*l.*, is not necessarily a person com- tent (in England at least, I do not know how may be in Scotland) to deal with the complex risprudence of enfranchisement. The decisions England have so complicated the qualification at it requires a different kind of qualification ogether to judge of who shall be placed upon e register from that which appraises the value a tenement.

1392. I cannot avoid putting it as a personal tter in regard to names, but you must not derstand that I wish my question to be at all rsonal; I suppose, in your view of it, either urself or Mr. Alley Jones would be the more ely persons to perform such duties?—I have cognisance of the legal attaintments of Mr. ley Jones. For myself I can but say, that ving been bred to, and having been in the ctice of, the law as a profession, every year's ctice and experience makes me more diffident otherwise competent attainments to master intricacies of what I may call the suffrage r. Whoever is selected ought to be appointed Government for life during good behaviour.

1393. You have heard Mr. M'Laren's state- nt, that the magistrates and town council of inburgh conjointly elect such an officer?— s.

394. Might not that be well to follow out in gland, instead of having a person appointed by Government?—I think not. I think a public cer who is appointed by persons elected by ular suffrage is not likely to observe that artiality which a person appointed by the vernment itself would do; and I do not believe would have the same authority and weight.

395. Is there not this possibility, that the vernment for the time being having all these ointments, as they would have, might possibly charged, I do not say rightly or wrongly, they might possibly be charged with ap- nting men of their own political views, ereas if the appointments were in the hands the several town councils and magistrial horities of the boroughs, there would be a nce of some gentlemen being of one political d and others of another, and would thereby

equalise the arrangement?—My experience is, that when a person is appointed for life by a Government he very soon dismisses all those party proclivities; he feels a responsibility cast upon himself, and that continuance in his office depends upon his impartiality among other things. That is my experience, I must say, of Government appointments.

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1396. You would prefer a Government appointment to a magisterial or municipal one?—I would.

1397. Mr. *Collins.*] In the City of London, since the abolition of compounding, in any rates laid since November, can you give me the names of any parish where the owners have been rated and not the occupiers?—I should say there is scarcely a parish in London in which the owners have not been continued to be rated in the place of the occupiers.

1398. Since the abolition of compounding?—Yes. In the City of London owners are rated without any view to composition, but simply as a convenient mutual arrangement.

1399. I do not mean the case of warehouses, but I mean the case of occupying tenants?—Tenants occupy warehouses.

1400. The dwelling-house qualification, I mean?—Those are very rare cases, I should think, where they occupy dwelling-houses.

1401. You say that objections were sometimes quashed on technical grounds; do you see any hardship in an objector being compelled to take the trouble to read the Act of Parliament?—There is no trouble involved in reading, but great difficulty in interpreting an Act whose obscurity has already provoked a huge pile of appeals and contradictory decisions. The objector is an officer appointed by the Legislature to secure a perfect register; although he is a sort of eleemosynary officer, still, without such a provision, the register of the country would be entirely chaotic, and completely inaccurate; and wherever objectors have not proper opportunities of making objections, you find the registers a mass of blunders; you find persons upon the register who have been dead for 10, 15, or 20 years.

1402. Parliament, insisting upon putting the word "parish" instead of "borough," wished to give the person objected to a knowledge of who the objector was?—Parliament has insisted on a finical accuracy in registration procedure which frustrates its real objects. Every objection has been made a strictly technical legal process, and thousands of unqualified persons have been annually retained on the register by a trivial flaw in literal observance of forms having been detected.

1403. Do you think Parliament should repeal that, and in London should allow a person to object without saying the place where he resided; do you think that would be giving sufficient information?—I think it would. Who objects is of no consequence; what he objects is *de quo quæritur.* Practically the objector is but a name, a myth, a man of straw; the objectee knows nothing of him; he never appears in court; he signs his name for 5*s.* a day; 10*s.* costs would over take him in insolvency; virtually he assumes the venerable purpose of John Doe and Richard Roe. By the Act of 1867, a squatter in a mud hovel, or the inhabitant of a wooden hut, is a qualified elector. He may be on the overseers' list, although disqualified even *ex facie*,

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and if on the list, he can object. How much further can irresponsibility go by allowing any body to object? Nay, a person on the list for a qualification insufficient in law may object; he may engrave a *fac simile* of his mark, and stamp it on the objection as a valid signature. His name may be struck out of the list before his first objection is heard, yet, although no longer a voter he may still object; and to crown the climax of absurdity on the eve of a general election, he and his objections may be spirited away, and never appearing or being proved, thousands of bad votes may be left on the register, and turn the election. This has actually been done. I state these suggestions, because the law as to objections is apt to defeat its object. Why not let my clerk object, and proteet me from the exactions, and from precarious dependence upon the good faith of a needy "loafer," merely because his name is on a list? I have every year to run the hazard of an absconding objector. Perhaps the name and address (so as to trace him) of the objector might be sent in to the registrar, and the latter should notify to the objectee that he is objected to, and the time and place where the parties will be heard.

1404. You think "John Smith of the City of London" would be sufficient information?—No, that would not do, if information be really desiderated; but anybody on any list may object. Why not anybody else? Nobody is at the cost and great trouble of objecting without a substantial reason. The overseers publish the objections, without any verification of them. I see no good reason for the finicality exacted in every particular against an objector.

1405. If you did not require him to put his place of abode according as he was described on the list of the parish to which he belonged, in what other way do you think it advisable he should give the person objected to some knowledge of who he was under the present system; certain objections were held bad because a man described himself of the borough of so and so; do you think it advisable under the present system that the objection should not state upon what list he was?—No; I think that there ought to be some security to the person objected to that he has something real to answer; but the case put is but one example of many legal quiddities.

1406. That was the example you gave?—It was one that was put to me; and I think if an objector, producing the duplicate notices, and answering to his name, and appearing in court, insists on his objections, the objectee ought to answer his objection, not merely object to the form of it. The clamour and prejudice against an objector, the necessary instrument for securing a genuine register, is eminently irrational.

1407. Mr. *Hodgkinson.*] You have no experience as to the municipal registration?—No; I do not attend to that, because I think it would complicate our political relations in the City.

1408. Mr. *Wheelhouse.*] You keep the two registration systems separate?—Entirely so; the municipal ward lists are made up by the municipal officers.

1409. Would you wish to have them identical or not?—I think it would be a very great advantage; I think the separation of the lists causes useless trouble and expense.

1410. Mr. *Bourke.*] I think you said that one of the reasons, in your opinion, for the overseers' lists being so imperfect at present was, that they were obliged to publish it on the 1st day of August, and the qualifications could not be perfect until the 31st of July?—That was not my reason for saying they would be very imperfect, but it must be obvious that the prescribed process cannot, in point of fact, the accuracy of the list of the persons, because the interval between the completion of the qualification and the construction and publication of the list does not admit of the necessary verification. In point of fact, they begin to make out their lists long before the electoral year is finished, and subject to all the contingencies that may happen between the time at which they prepare the list and the 31st of July.

1411. Imperfections do creep into the overseers' lists, in consequence of those two dates being so near together?—To some extent, not to any great extent; I was suprised at what Mr M'Laren said, about a person who was in occupation for one day in a year being enfranchised as if he had been in possession for a whole year; that would not work here.

1412. Mr. *Bourke.*] Do you think the overseers do their duty pretty well now?—In the City of London they do it admirably now; they consult the persons whose duty it is to watch on both sides.

1413. You heard what Mr. M'Laren said about the street lists?—Yes.

1414. Do you agree with that?—I should be sorry to part with the ultimate prospect of making the rate-book the register, and the parish vestry the polling place.

1415. Would you give an option to the authorities, whether a new officer or the overseers, to make out the overseers' lists alphabetically or by streets?—The only objection to that is, that discretionary power must sacrifice uniformity of system, and thereby derange the mechanism of registration. As the parish officers are changed every year, the overseers of one parish may construct their lists on one principle, and the overseers of another parish upon another principle.

1416. You have got the ward system?—Not for Parliamentary purposes; Parliamentary wards are not the same as municipal wards. There are different lists for Parliamentary purposes and for ward purposes.

1417. I suppose you have different wards having part of the same street?—Yes.

1417*. And one ward having one side of the street, and another ward having another side of the street?—Yes; and you will observe according to the present Reform Act you are to make out a list of all places "situated wholly, or in part, in your parish," so that the same house may be in two parishes, and in one or two registers even in more than one borough or county. It often happens in fact, that the parlour is in one parish, and the kitchen in another, and the qualification will appear in both lists.

1418. I think you are generally in favour of an officer being responsible for the whole of the business?—I think it has become absolutely necessary. At our last revision our barrister, who is a gentleman of great ability and very painstaking, told us again and again that he did not know what the law was, nor does anybody not even, according to the confession of the judges, the Court of Common Pleas.

1419. As I understand you would not give

s officer the power of deciding what the law
s, but only a ministerial power; you would
give to that officer any of the duties of the
ising barrister?—I think he would supersede
reat many of the objections now made before
revising barrister; an overseer cannot tell
at is rating according to law, what is occupa-
n according to law, or the distinction between
ger and servant, and he cannot tell what
erance is; the questions are endless.

420. They do practically find out what those
erences are?—To some extent. In point of
, none of us can decide upon that definitely,
ause the hairs that are split upon every quali-
tion are absolutely without limit.

421. The system is good at present, you
k?—It is tolerably good considering how
indefinite the definition of the franchise is.

422. Is your opinion founded upon what took
e last year chiefly?—No.

423. I suppose your difficulties were much
ter last year than in ordinary years?—They
e much greater than they had been for a
t many years before; the fantastic distinc-
s raised, and given effect to frequently, made
ery difficult indeed to conduct the revision
sfactorily.

424. But if those fantastical questions are all
led, do you think that the overseers will have
h difficulty in future in settling the register?
confess that it is chiefly on account of the
eme intricacy of all questions relating to the
chise that I think the overseers are incom-
nt for it, and a person who would devote his
le time and attention to the complete study
lection and registration law has become ab-
tely necessary.

425. You would have him practically to de-
what according to law gave the franchise,
what did not?—Unquestionably that is what
overseers are called upon to do, and wholly
to accomplish.

426. In the Stamper case, would you have
officer decide a case of that kind without an
al?—Not without an appeal, but he would
rsede a vast number of appeals that take
e in consequence of the ignorance and in-
petency of the persons who make out the

427. Supposing such a question as that to
in Sunderland, you would have the regis-
then either strike off, or put on all these per-
?—Yes, I do not see how you can avoid that;
is so now.

428. You would leave it to those persons to
al against the decision of the registrar?—

429. And if nobody appealed then, the deci-
of the registrar would remain, and those
le would remain on or be struck off, accord-
as he decided?—Of course, just as it is now,
the overseers; but with this difference, that
uld be with better information and instruc-
on the subject of the law, and greater uni-
ity, because every overseer has his different
rpretations of the law; and whenever you go
new parish, one vestry clerk tells you "I
left a whole batch of names out," on account
me peculiar construction he gives to the law of
g, or as to qualification, whilst in the very
parish, the whole of the persons in precisely
lar circumstances, are put on. There is a
want of uniformity; I may mention that in
hwark, in one very large parish, everybody
is put on, and in the very next parish, almost every person of the same description is left out.

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1430. Within the same borough?—Yes; and you could not have punished these overseers who admitted them, or left them off, because the questions were so reasonably doubtful.

1431. If there had been a registrar in that case, those questions would have been just as doubtful?—They would have been decided one way for both the parishes.

1432. And being reasonably doubtful, you would suggest that there should be an appeal?—Yes; it would be infinitely better if there were no doubts, which I think might be very easily brought about.

1433. That depends upon legislation?—Yes. Another great use I see in one responsible registrar; he might be relied on to enforce the insertion in the respective rate-books of the name of every occupier, and thus secure the registration of every qualified occupier.

1434. Mr. *Dilke.*] There were, I believe, 474 lodgers only, on the register in the City?—I think about that.

1435. How many claimed?—They all claimed through us.

1436. How many were the total lodger claims?—That I do not recollect.

1437. Do you remember about?—I think about 700: 600 or 700.

1438. Mr. *Wheelhouse.*] Two hundred and thirty-four were struck out, as I saw by a newspaper report of those clauses?—I should think that would be so.

1439. Mr. *Dilke.*] You have sufficient experience of what took place in the other metropolitan boroughs, to know that you got on a large number of your claims in proportion?—Oh yes.

1440. In many boroughs the persons who sent in claimants' names, did not succeed in establishing more than one in three?—I believe that is so.

1441. You are aware that the proportion of lodgers to voters on the register in the metropolitan boroughs, varies from nearly one in four in Westminster to one in 300 in Southwark?—Yes.

1442. Have you any idea whether mere accidents of ruling by the barristers, mere accidents of the time of sitting by the barristers, and such circumstances as those, account very largely for that very great difference in proportion?—I do not know what is the cause.

1443. I do not know whether you are aware of the case of Marylebone: there the barrister sat to some extent in the evening, and there the proportion of lodgers who succeeded, is exceptionally high?—Yes. In the City the convenience of the claimants was also most willingly consulted by the revising barrister.

1444. You have no knowledge, I suppose, generally, or are you aware that the total number of lodgers who succeeded in getting on the register in all the 10 metropolitan boroughs, was considerably under 15,000?—I was not aware of that, indeed I am surprised that so many made the attempt; or indeed that any made the attempt, the intricacy is so intolerable.

1445. On account of technicalities in every way?—Yes; I may, perhaps, just explain to the Committee, that we sent round inspectors to every parish, to discover who were the lodgers. We prepared the whole of the evidence. We had

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had these inspectors instructed to be able to make oath to all the facts that were essential to establish the qualification, or else we should not have succeeded at all. In point of fact, the evidence was adduced from our office, as well as the claims procured.

1446. There is a more striking instance of the technicality by which lodgers were kept off: do you remember the case of Joseph Bowring; he was rated, he claimed as an occupier, he was told that he had been rated by mistake, that he was not an occupier, but a lodger, and that his claim would be considered as a lodger claim: when it came on as a lodger claim, he was objected to, because being rated, he could not be a lodger, and he lost his vote in consequence?—Yes; I remember that very well, and the perplexities of that nature are extremely irksome and discouraging.

1447. As to the two forms of column which are complained of as a source of peculiar difficulty to lodgers, did that come home to you in the City?—Very greatly indeed. You will find that the name, the profession, and the residence of the landlord required to be described; and if they be not supplied, the revising barrister disallows the claim entirely *ultra vires*. Sometimes the owner was a landlady, who had no profession at all, but the heading required you to give a profession, and the dilemma in which the barrister and agents were thus placed by the system was the laughing-stock of the court. We had a good many disfranchised because they could not tell what the profession of the landlord was. And, besides that, there was another question raised as to who was the landlord. Some said, "I don't know anything about the landlord; an agent lets the premises. I cannot tell you the profession of my landlord, or anything else about him. I don't know the profession or residence of the collector; he is not bound to tell me." In these and other cases "ignorance" proved not to be "bliss" but disfranchisement.

1448. There were forms of claim prepared by the Reform League; they were prepared, I think, by Mr. Beales; they had a space for the signature of the claimant himself in two places instead of the three places generally left by the claim provided in the schedule in the Act; you are aware that great complication was caused by even such a slight difference as that?—Yes. I must also add that the form prescribed by the Statute is equally unintelligible. It is impossible from it to learn whether or not it requires that the attestation to the signature of the claimant and the certificate of belief should not be separate acts, verified by separate signatures.

1449. And those claims, in many instances, were merely allowed subject to a case for appeal?—That is so, I know.

1450. Was not there a great difficulty in many of the boroughs as to the evidence necessary to support the lodgers' claim?—Great difficulty. In the City of London the barrister was considerately liberal. I say he was liberal without the slightest leaning either to or against the franchise. I suggested to him, "You are sitting here as a jury, and all that is to be done is to be proved to your satisfaction. You cannot expect judicial evidence of matters of this kind; you must take reasonable evidence." He accepted that suggestion. Other barristers, with perhaps as great justification, ruled exactly the other way; so that we are tossed to and fro with different interpretations of the law.

1451. In one metropolitan borough, I believe the barrister on the first day, before he had seen what the other revising barristers were going to do, actually determined that something must be deducted for rates from a lodger's rent?—Yes although the Act is quite express upon the subject.

1452. You are of opinion, I believe, are you not, that it would be possible that lodgers who were registered one year should continue registered unless objected to, except in case of removal, until the next year?—I think that is quite reasonable, when once the claim has been proved, as long as the party is in the same place there is no necessity for a fresh claim if their names were inserted in the occupier column of the rate book, as required by express Act of Parliament, of course the evidence for their continued occupation would be as complete as for that of any other tenant. One great advantage of the appointment of a registrar would be that he would see that provision enforced. I may be permitted to add further, that my experience of lodgers is that they are a superior class of voters. We were surprised at their appearance; so decent, intelligent and respectable.

1453. In fact the words used by Mr. Gladstone, on one occasion, would, in your opinion, be perfectly true, namely, that the lodgers are the flower of the London population?—Yes, that is my experience, and that they reside a long time in the same place.

1454. The difficulty of no notice of objection being given to the lodger has no doubt struck you?—I do not see what is the necessity of notice of objection if he is to prove his claim because in that case he must attend in court to prove it; and the law is interested in seeing that his qualification is tested, even if an objector intervene merely as *amicus curiæ*.

1455. Would you require him to attend in court if no notice of objection is given; do you think it absolutely necessary that he should attend in court?—You have no sort of test of his occupation; no test of his tenancy or anything else; you have done away with the requisition of the rating, which would save all this trouble without the slightest additional liability and I really cannot see but that the Act is almost justified, in this, at all events, to have some security that such a person is there. Perhaps if the lodger gave notice of claim the overseers might be directed, as part of their duty to test it, and insert in the margin of their list words implying the validity or invalidity of the claim. In the former event a formal objection might be required, in the latter proof of claim in person before the court.

1456. I will ask you this question: in the case of lodgers who had been on the register in previous years, would you require notice of objection to be given to them?—Oh, certainly; would not ask them to claim at all. Once on the register there is proof that these persons have occupied their place, and of their tenancy, and when that has been once established, I do not see that they should be called upon year after year to prove the same thing.

1457. It might be, provided that the objection in some cases should be distinctly an objection the cause of which had arisen within the year —I do not see that, because that is placing

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dger in a different position from a tenant or an wner. I do not see why he should be favoured any greater extent. If by neglect on the first casion a flaw was not detected, I do not see hy it should not be liable to attack. Otherwise ere would be no power to get rid of him after ceased to occupy.

1458. You think that by such changes as lowing the lodgers of one year to remain for the xt year, by ridding their claim of technicality, d by courts sitting in the evening, or sitting on turday afternoon, the lodger franchise might made something more than a mockery?—It ght be made so, but as long as you compel a lger to claim there is so much annoyance about that he will not do it, and it is a great hardip if he is entitled to the franchise, that he ould not be placed upon the list like any other alified person, without all these processes to go rough. He should be rated; there is no nesity for him to pay the rates, but he is a tenant, occupier, and the case of Cook *v.* Humber is ite express upon the subject. That would get it of all the annoyance of the question of gers.

1459. Mr. *Bourke.*] You would not allow a lodger to remain on the register if he had been once on the register, provided he was not objected to, unless he was rated; that is, you would put him exactly on the same footing as the occupiers?—He is an occupier and a tenant.

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1460. And you would take it for granted, unless he is objected to, that he is still on?—Not that he is still on, but that if the overseer found him under exactly the same circumstances this year that he found him last year, he would put him on without the necessity of his claiming.

1461. At present the overseer does not take any notice of lodgers at all?—No.

1462. Would you make it necessary for the overseer to take notice of the lodger as well as the occupier?—Yes, if he found the lodger's name in the last year's register; at present his name is relegated to a separate lodger's list.

1463. Unless you made it a part of the overseer's duty to see that the lodgers are in the same place this year that they were last year, you would not propose to have them on the register unless they claim?—I would not, because they would be in a different position from the other qualified persons.

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1464. *Chairman.*] Will you be kind enough give us a little information as to the plan ich is adopted in Scotland with regard to istration?—I have got in my hand a copy of register of voters for last year; I have cut , for the convenience of the Committee, a nber of the sheets, which I will hand round. *he Witness handed to the Committee a number printed sheets from a register.*)

1465. I see that the town is arranged in rds, and that the streets are alphabetically anged with reference to one another?—There 13 wards in the city of Edinburgh, which are ubered, and have distinctive names, and then h ward is alphabetically arranged according to ets; Abingdon-street will come first, and so and then in each street number 1 is taken t, and then number 2, number 3, number 4, il they exhaust the numbers in the street; or so being the last in some cases. That is principle on which the register is constructed.

1466. That is found to be a more convenient hod than it would be to arrange the voters habetically?—Yes; the Registration Act mits either way to be taken, and Glasgow has sen the alphabetical list, but in wards. sgow is divided into 16 wards, and then habetically as regards the names. Ours is arged alphabetically as regards the streets. The antage of that system is that you can cut out age, or half a page, and give it to the canser and say, "Go and ascertain how these ple intend to vote." You require no analysis, directions, and no re-arranging. In Glasgow have necessarily, by their system, to pick the men who are alphabetically arranged, allot them to their several residences for vassing purposes. There might be 20 men the name of Adam, living in 20 different ets. You have all the trouble of re-arranging m with pen and ink; and, if you have to t them again for the use of canvassers, there a great deal of trouble, expense, and delay, ich is saved by our mode of doing it.

1467. By whom is the list made?—There is an officer appointed, who is called the City Assessor, who values all the houses and other properties within the bounds of the Parliamentary borough for the purposes of local rating. That was done irrespective of Parliamentary voting purposes. It was done to extinguish all the local valuations of property, and to get one public officer who should be responsible for every house in the city being valued on the same uniform principle. That having been done, it was seen that it would be exceedingly convenient for him to make up the register of voters, because he had all the materials in his hands. He was an impartial person, who had nothing to do but select those at and above 10 *l.* rental, who had lived a year within the town, and print the list. That was the registration roll, unless some person came forward at the statutory period and said, "You have improperly put in a person who has not been for the statutory period in the town," or "You have improperly omitted a person, who ought to have been put in." The result has been very remarkable as respects the saving of trouble and time. Formerly 10 or 12 days were usually taken, before the revising barristers, in adjusting all the complaints made about the rolls.

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1468. Before that were the lists made out by the separate valuation officers who correspond to our overseers?—No, there was a still more barbarous system, that which was remedied in England in 1843. We still retained up to 1856 the plan of every man giving in his own claim, and he had to pay 2 *s.* 6 *d.* The consequence was that the barristers and agents for the two political parties had so many objections to each other's claims that it usually took 10, 12, or 13 days to get over the roll. Under this improved system it does not take more than three, or four, or five hours, there are so few objections, and the parties have such implicit confidence that the public officer will do his duty. He has no motive for doing anything else. He has all the materials

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in his hand, and, in fact, the roll is just a transcript of his books, and if he has omitted any one the person goes to him, and if he convinces him of his claim he puts him on a supplementary roll. No one objects to that.

1469. He has the power to issue a supplementary list?—At the statutory period there is an exhibition of the roll printed in proof. We have no manuscript copy of the rolls of electors exhibited. The sheets are sent up to the printers to be set up in proof, and the first appearance of the roll is a huge thing like this (*exhibiting a document*), stuck up at the town clerk's door, the door of his office. Then every one has an opportunity of seeing that, and if names are found to be omitted, the parties are warned by public advertisement to give them in by a certain day, just as in England. Then, if the assessor is satisfied that they are right claims, he makes no objection, and the revising barrister puts them in as a matter of course.

1470. Without the attendance of the voter?—Yes.

1471. The revising barrister puts them on, the registrar being satisfied as to the claim?—That is so.

1472. Does the existing system, in your judgment, give satisfaction in Scotland?—Very great; it is regarded as a most invaluable boon.

1473. Is there much money spent, by registration associations and other parties, upon registration in Scotland, or is all left to this officer?—I think there is hardly any money spent in registration purposes. Every party has an agent, just to give a general look over things; but there are none of those contests that you are familiar with in England, excepting last year, when the new franchise came into operation. There was then great confusion, because there was very little time. New principles had to be fixed in many cases, and then there was a good deal of trouble; but that will not be so in another year. It will be just as easy to register a man of the lowest qualification as a householder, as it will be to register one renting a ten-pound house. In fact there will be rather less difficulty, because there might be a doubt as to whether a man paid 10 *l.*; but there can be no doubt as to whether he is a rated occupier, and has paid his poor rate, because a list is got by the assessor of those who have not paid the poor rates.

1474. This registering officer ascertains from the rate-book who have not paid their rates, and excludes them?—Yes.

1475. But the basis of the register is entirely independent of the rate-book itself; he corrects it from the rate-book; but does not form it from the rate-book?—I should like the Committee to understand that this public officer is a man who prepares one general valuation roll, as if he were representing the Chancellor of the Exchequer, or the Treasury; and the collectors of every rate must come to his office and say, "We wish to have a copy of your valuation roll." They get them by paying the expense for the clerks' copying out, and thus this poor rate-book is really his own book; that is to say, it is his book showing who may be called upon to pay poor rates, but it does not prove who does pay until the statutory date, when he gets a list from the poor law officers, saying, "So-and-so have not paid," and the names of those who have not paid are not printed.

1476. By whom is he appointed?—By the magistrates and town council of Edinburgh.

1477. Is there any fear or suspicion of his exercising political partiality?—I do not think there is; I never heard it alleged.

1478. What is the remuneration he gets?—He gets 500 *l.* a year, I think; but the expense of his office is 1,360 *l.* He requires a number of clerks.

1479. Mr. *Rathbone.*] Does that include his own salary?—Yes; the expense of his office was 1,360 *l.* last year, including all the clerks, and a very considerable staff of clerks is required to make surveys and copy out all those books; but I should like the Committee to understand that all this money, to a mere trifle, is distributed over the different rating authorities. The poor-rate authorities pay so much for their copy; the road authorities pay so much for their's; the police authorities so much for their's; the water authorities so much for their's; and so on. The computation is made as nearly as possible that all the authorities who want a valuation roll for their several purposes should pay for it, but the registration part of the expenditure is kept separate.

1480. *Chairman.*] How much of that sum is attributed to the cost of registration?—In addition to that 1,360 *l.*, the cost of registration until last Session was about 460 *l.* a year on an average including the printing of this book, and now with the 10,000 additional voters, whose names have to be printed, it will be about 600 *l.*

1481. How many voters does that represent?—There were nearly 11,000 formerly, and now there are nearly 21,000.

1482. That would be 600 *l.* for the registration of a city of 22,000 voters?—There are about 21,000 voters.

1483. Is that an expense which in Scotland is considered to be burthensome?—It is a mere trifle a penny in the pound on the rental of the city which is nearly a million of pounds, is about 3,800 *l.* This is about the tenth of a penny for the registration proper, excluding printing; but the printing of this book would cost about 300 *l.* additional. I might mention to the Committee that there are altogether collected in Edinburgh about 180,000 *l.* a-year of local rate under this general survey, so that the Committee will see that the expense of the valuation is a very small per-centage upon the amount of money collected. In fact, from the very high rental of a large proportion of the houses in Edinburgh, and from there being comparatively few of the working classes, the local taxation comes to about 1 *l.* a head on every man, woman and child, rich and poor, of the population.

1484. The cost of this system of valuation seems to be something less than one per cent upon the amount collected?—About three-fourths per cent. on the amount collected.

1485. Mr. *Wheelhouse.*] In this sheet which you have handed to me you will find that under "Albany-street" are the names "Hart-street" and, I think, "Duke-street," although the heading is "Albany-street": is Hart-street or Duke-street, or either of them, part and parcel of Albany-street, or how came the two entries to be so placed?—The one name that you refer to is "George White, Flesher, 14 Duke-street, tenant and occupier." Albany-street is where his shop as a butcher is, and 14, Duke-street, is where he resides. Our officer is required first to tell the name of a man, then to tell his occupation in his

nd not merely to tell where he is registered for, ut where he is to be found,—where his dwelling-ouse is.

1486. When you come to Hart-street, would is name be entered in the Hart-street list?—No; ecause the same officer does the whole town. Ie has to deal with him in both capacities; his ouse is taxed for local rates, and his shop is axed for local rates, and he gets to know that he the same person. It may be that the house is one municipal ward, and his shop in another, nd he gives him his choice as to which he shall e registered in.

1487. You have, in point of fact, no duplicate stem?—No. There is another small matter hich your question suggests. In every town here are some outlying corners, about which you nnot say whether they are in any street, or quare, or lane. At the end of each ward there a list of those, arranged alphabetically, accord-g to their names.

1488. Have you it there in the completed list?—Yes; every ward will have such an ap-ndage.

1489. It has been suggested to me, that your fficer, whom you have called the city assessor, akes a valuation roll either before or after the oor-rate roll is made, or does he take the same ll; is it all one roll?—The poor-rate officer is ound, by Act of Parliament, to take the assessor's ll; everybody is bound to take his roll, the olice, the water company, the improvements ommissioners. There is just one fundamental ll, and all the rest are copied from it.

1490. Everybody takes his roll?—Yes.

1491. And that is the fundamental roll on hich the whole system really depends, both for aluation and every other local purpose of taxa-on in Edinburgh?—Yes.

1492. Do you know anything of what we call England, the clerk to the Union Assessment ommittee?—No.

1493. Is there not a possibility of the public fficer so chosen, being chosen rather at the stance of a dominant political party in the urgh: I do not say it is so, but is there not a ossibility of it being so?—There is a possibility. very town council must have a majority of some omplexion or other, and if there were two can-idates equally good, it is quite possible that e majority would elect their own political riend, but then both of them might be good men.

1494. Then, supposing a person to be elected nd being in office, you say you have no idea that e would in the slightest degree be biased by olitical considerations afterwards?—No.

1495. Practically, I suppose, you have found at there has been no political consideration en-ring into the subject at all?—No, there has not. happen rather curiously to be able to answer our question. I was chief magistrate of Edin-urgh at the time this officer was elected, which as in 1854. He was a Liberal in politics, and o doubt some in the town council took that into ccount, but this person had great experience, he ad recently been surveyor for the police rates, nd beyond all question he was the best man. He as remained in office for 15 years, and knowing good deal about registrations long before that ime, and since that time, I have never heard it lleged that he was actuated by political motives n any shape or way, in putting or keeping off oters.

1496. In the lists you have given us, so far as these streets are concerned, Albion-street, and so on, they are streets where gentlemen of some position live; but supposing I had happened to get hold of a sheet which is before my friend here, I should have found that the qualifications of a poorer class were all duly inserted?—Yes.

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1497. *Chairman.*] Have you got a sheet showing the flats of the old city?—Yes (*producing some sheets*).

1498. Mr. *Wheelhouse.*] I was going to ask you this question; there are, as we all know, who are acquainted with North Britain, in Edinburgh, especially, large numbers of flats?—Yes.

1499. I suppose the houses containing those flats would be numbered, say, 17, Barony-street, that number would include the whole house?—Yes, that is the number at the outside entrance.

1500. But each of the residers upon those flats in the house would be entered upon the register separately, and immediately one following after the other?—Yes, the dwellers in flats which open upon a common staircase, as it is called in Scotland, are registered.

1501. As if they were a wynd, in fact?—Yes; here is St. Giles's Ward (*explaining to the Committee*), and this includes the High-street, there is a close, a narrow, dark, dingy close, and all the occupiers' names are in that list. They have all one staircase, and they are all entered on the rate-books.

1502. Each of those persons is entered upon the list as paying rates?—Yes; as liable for every rate.

1503. Then, supposing always that the rate had not been paid for No. 1, Baxter's-close, by any individual living there, he would be struck off?—Yes.

1504. By whom?—By the registration officer.

1505. By the city assessor?—Yes; he would get the list from the poor-rate authority, saying that John Thompson, of No. 1, Baxter's-close, was still in arrear, and then he would not enter his name in the printed list at all; he would not require to strike it off, because the roll is not made up at that time.

1506. Supposing he came up and said, "I want to pay my rates before the roll is finally closed"?—In that case, if he paid the rates before the statutory day, his name would not appear as a defaulter.

1507. His name would not appear as a defaulter under any circumstances?—No.

1508. Am I to consider that the whole expense, including the salary of the city assessor, for the purposes of valuation and registration together, do not amount to more than 1,360 *l.*?—£. 1,360. for the valuation alone, and about 600 *l.* for registration purposes, including the printing of that book, of 21,000 names, which costs above 300 *l.* out the 600 *l.*

1509. Mr. *Rathbone.*] The office expenses would be about 1,600 *l.*?—Yes.

1510. *Chairman.*] Exclusive of printing?—Yes.

1511. Mr. *Collins.*] I understand you to say, that the city assessor is the person who makes out the value of property in Scotland for all purposes?—Yes.

1512. He is not merely a political officer appointed for the special purpose of making out the election roll?—That is so.

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1513. Mr. *Wheelhouse.*] Is the same system carried out through the smaller burghs?—Yes in the most petty boroughs; we have boroughs with 600 inhabitnts; in every borough the magistrates and council appoint one for themselves; probably in a very small borough, he might get 10*l.*, or something very trivial.

1514. The officer in the burgh is the appointee of the magistrates of the burgh?—Yes; the Committee will bear in mind, that it is the sheriff of the county who is the revising barrister in all these cases.

1515. Mr. *Candlish.*] Is there any publication of new claimants?—Yes, there is.

1516. And a publication of objections?—Yes; it is stuck up at the town clerk's office, and they are also to be seen at the office of the city assessor.

1517. Occupiers at rentals at and below 4*l.*, are not rated for the poor rate in Scotland, are they?—They are rated, but the managers for the poor do not think it worth their while to look after the tenants to make them pay, but they make the owner pay his share, which is one-half; and if the tenants were able to pay costs they would go after them also. Our rates are not much; for a house at 3*l.*, the whole rate is 1*s.* 3*d.* in the pound, that is 3*s.* 9*d.*; the tenant pays 1*s.* 10½*d.* upon that, and they find that there is more expense in getting 1*s.* 10½*d.* than it is worth, so that they do not take vigorous means to get it.

1518. That non-payment will exclude from the franchise?—Yes.

1519. Then they have not the franchise below 4*l.*?—They all have an opportunity if they choose of paying, but they are not hunted up for payment as others are.

1520. Do you know if they do pay rates, and claim to any extent?—There has been only one year's experience, and that for a very hurried and short period, and one can hardly judge what they will do hereafter; but before that time, there were upwards of 4,000 persons in Edinburgh, occupying houses under 4*l.* yearly rental, who had not paid poor rates under the former system; and there were about 8,000 in Glasgow, occupying houses under 4*l.* yearly rental, who had not paid poor rates, but how many there may be now, it is difficult to say, for many will now pay.

1521. Does the abandonment of rate levied upon those people, vitiate the entire rate?—No.

1522. Is not the law of Scotland, that all persons who are rated must pay, and that the non-payment by, or the exclusion of, a section will vitiate the entire rate?—There was a question of that kind in one of the Glasgow parishes, that came before the court, in which the Glasgow poor-law authorities exempted them as a class, and the court found that they had done wrong, and that there was no authority to exempt any class, that must all be exempted as individuals, and they now take care to keep within the law.

1523. All occupiers of premises and houses are rateable and rated; I am speaking of flats?—Yes; we distinguished between lodgings and parts of a house, in the English sense of the word. Many of these flats are sub-divided into two houses, some into three; but the city assessor and his deputy take up every family that occupies an unfurnished room; they ask the rent, and put him down, and they call him a householder in that sense, that every person who has an unfurnished apartment or apartments, great or small, is put down as a householder.

1524. That is done under the wide definition of the word "house"?—Yes.

1525. *Chairman.*] There is one question that I should like to put upon that; has your attention been called to Stamper's case?—I just read the newspaper accounts of it.

1526. How would this be in Scotland, "a house was let out in single rooms by the week, the landlord not residing in the house, or exercising any control over it, or supplying the tenants with any attendance, but the tenants having the exclusive control over their rooms (the furniture in which was their own), together with the right to the common use of the staircase and offices belonging to the house," that would be the condition of a flat in Edinburgh?—Beyond all doubt that would be called a house in Edinburgh.

1527. And that would be rated?—Yes.

1528. And the tenant would be entered on the list as a voter?—Yes, if the rates were paid.

1529. In such a case as that, it was decided that such an occupation was not liable to be rated or entered upon the register; such a decision as that would, therefore, be inconsistent with the practice in Scotland?—Entirely, and with the law.

1530. Mr. *Candlish.*] You think there is no difficulty in having such a general and broad definition of the word "house," as to exclude the necessity for enfranchising lodgers specially as a class?—I do go that length; my definition of a lodger is a man who occupies part of a house, the furniture of which does not belong to himself, but to some one else, and who gets attendance from the person to whom the house belongs. That is the definition which we accept; and under the former law before the late extension of the franchise, a lodger could be registered in Scotland just the same as a householder; provided the value of his rooms, not as lodgings but as unfurnished apartments was worth 10*l.* a year. A lodger might pay 30*l.* a year, and not get upon the roll, because the room or rooms which he occupied might not be worth 10*l.* as being, suppose, the fourth part of a house which was worth probably only 30*l.* altogether. That is the distinction that has always been made in Scotland between lodgers and householders.

1531. Mr. *Bourke.*] If a person takes for a year a top story unfurnished, say, in Princes-street, Edinburgh, of a house where there is only one outside door, would he be separately rated?—Yes; that is universally the case in common stairs.

1532. He would not be looked upon as a lodger?—No; and more than that, if three families went into that house, and each family lived in a separate apartment of that upper story, each of those three families would be separately rated, and each abode would be called a house.

1533. *Chairman.*] How often do you collect the rates in Edinburgh?—Once a year.

1534. Mr. *Candlish.*] The basis of the register in Edinburgh is not the rate-book?—No.

1535. The city assessor himself, or by his agents, corrects that register from time to time by going from house to house in a personal visitation?—Yes; there is a new survey made every year. He has a number of assistants who go about with a small book, about that size (*referring to a book*), in

their pocket, containing the list of houses for st year and the occupiers. He goes into each or and asks, say, "Is John Thompson still re"? or "Who is here"? And with respect houses of more importance, they send printed hedules round asking the parties to return eir names and the amount of the rent. As check upon that, they send circulars to the wners of the houses, to ask them the names of e tenants, and the amount of the rents. In at way they get the most perfect system of luation that is conceivable.

1536. The reference to the rate-book is merely show whether or not a tenant is rated and has id his rates?—Yes, the Act of Parliament thorises him to receive from the poor law guarans, as you would call them in England, a list all persons whose rates are in arrear; he plies for that list on a particular day, and he s nothing to do with what you call the rate-ok. In fact, he is the framer of the rate-book nself, and he merely asks how many of these ople legally liable have not performed their gal obligations.

1537. If there was not the obligation to pay or rates as a condition of the franchise, in point fact, the city assessor or registration officer, uld have nothing to do with the rate-book with the overseer?—Nothing.

1538. *Chairman.*] I want to ask you one question upon a point which I do not quite understand. Supposing that in the course of 12 nths 10 successive families occupied one of ese flats, who pays the rate which is due only e a year, who pays the rate?—I do not know ether such a case has ever occurred.

1539. I will not say 10 successive families, but pposing there are two or three, and a man occupies the same place only two or three months, en another family comes, who pays the rate? Our houses are all let from May to May; that 12 months, and as soon as the term day of trance takes place, this public officer and his sistant begin to go round; they take one district at a time, and they put down the man who then in the house; and they have no more to with any changes that take place. They ask n to pay the rates, and he must make his bargain with the in-coming tenants.

1540. Is there any habit of weekly tenancies? There are weekly tenancies.

1541. In that case, who pays the rate?—I can't answer that question. There is a set of very retched houses, where small jobbing men who nt to make an income out of them, let their uses by the week, but I do not know what is done out the rates.

1542. Would a respectable artisan in Edinrgh be a weekly or yearly tenant?—A yearly nant, as a general rule.

1543. Mr. *Candlish.*] Would there be any ficulty whatever in making out the register, if were a residential suffrage merely, irrespective rates altogether?—Not in the least.

1544. It could be done just as easily as it is w made out?—Yes.

1545. In point of fact, it is now made out on e basis of residential suffrage?—Yes; if you ke the rate-book made out by the city assessor, is a residential suffrage book.

1546. *Chairman.*] That is, in point of fact, a t of the rateable occupiers?—Yes.

1547. Mr. *Hodgkinson.*] In Scotland one-half of the rates are paid by the landlord?—Of the poor rate.

1548. And that irrespective of the value of the property rated?—Yes.

1549. In the case of a house rented at 100 *l.* a year, one-half would be paid by the landlord, and the other by the tenant?—Yes, and so it would be with a house of 3 *l.*

1550. In the case of these occupiers of houses at and under 4 *l.*, they are excluded from payment of rates on the ground of poverty?—Yes.

1551. Just as in England a magistrate would excuse a person paying rates on the same ground?—Yes.

1552. Do you take the sum at which the house is rated, as the test of poverty, or otherwise?—Yes, to a certain extent.

1553. And you find it a convenient test?—Yes; in speaking of the 4 *l.* test, I should like the Committee to understand that I speak of Edinburgh alone, because in many of these small boroughs that have been referred to, you will get a house at 3 *l.* as good as an 8 *l.* house in Edinburgh, and the man who occupies that 3 *l.* house may be quite as respectable as the man in Edinburgh who occupies the 8 *l.* house; he may be a mason, a joiner, or some trade of that kind, and able to pay, and does pay. Although the Edinburgh authorities practically exclude houses below 4 *l.*, I do not wish the Committee to understand that it is universal; it is a local arrangement.

1554. You take a low rent as the test of poverty and inability?—Yes.

1555. Mr. *Candlish.*] Does the city assessor put on his valuation roll occupiers paying less than 4 *l.*?—Yes; every human being who has a place above his head.

1556. Whatever the amount of rent is?—Yes.

1557. *Chairman.*] Whether it is likely that the rate will be levied upon him or not?—Yes, because the Committee will observe that from the one-half being payable by the owner, and the owner having, perhaps, other 20 houses in the same neighbourhood, it is worth while making him to pay his share for all the houses.

1558. In point of fact, the valuation roll of Scotland is an accurate street list of all the occupiers of every tenement?—Yes.

1559. Including such tenements as the flats?—Yes, and parts of flats, and including all women householders, as well as men.

1560. If the case of Stamper *v.* The Overseers of Sunderland, decided last year, be good law, and if it were acted upon in Edinburgh, it would disfranchise a great number of constituents in Edinburgh?—A very large number. There are many flats in Edinburgh which let for 50 *l.* or 60 *l.* A relative of mine, pays about 60 *l.* for a flat near Morray-place, and there are others of which the rent is higher than that.

1561. Is there any difference in the wording of the Reform Act of 1867 for Scotland on that point?—I am not aware. We do not talk of flats as distinguished from houses; a flat, entering from a common stair, is as much a house as if it were a castle.

1562. Mr. *Bourke.*] One important thing has been mentioned, about which I wish to ask a question: your valuation roll is made up always to the 15th of May?—The 25th is the day of entry in Edinburgh, but the 15th is the nominal day.

1563. Everything contained in that valuation

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roll is in every court of law good evidence as to the facts contained in that valuation roll until the 15th of May following?—Yes; but, if it could be proved that some error were committed, I think the courts would not refuse an inquiry.

1564. That is quite so, but it is *primâ facie* evidence of everything contained in that valuation roll?—Yes.

1565. Therefore, if a man is put down in this valuation roll upon the 15th of May this year, he will be entitled to vote until the 15th of May of next year, no matter whether he may have removed or not?—Yes; there is a clause in the Registration Act which says, that when a man is once on the roll he shall not have any oath tendered to him except that of identity, that he is the person described. Even if he has left the parish or town, you cannot trouble him about that.

1566. It was in consequence of what the Chairman asked you about a man who occupied one of those flats moving during the course of the year, that I put the question; if he had been in that flat on the 15th of May previous, he would be entitled to his vote until the 15th of May succeeding?—Yes; but it would have been more accurate to say, that if he was in that house from the 15th till the day when the registration roll was completed; because if the assessor got to know that he had left the town in the interval, he would not put him on the roll at all.

1567. Do you know what the duties of the overseers are in England?—I have a general impression, but I have no practical knowledge.

1568. Do you know at all sufficiently to say, whether they are not very much the same kind of duties as are performed by the assessor in Edinburgh?—I should say just the same, only he has the advantage of a very large experience where they have the advantage only of a limited one.

1569. That depends upon whether it is a large place, or whether it is a small one; if it is a small one, one or two paid overseers might be sufficient, and in a large place, you would have a great number?—No doubt; but the great advantage of our system over that of the paid overseers is, that supposing a town has six overseers, each taking up a parish, they will take them up on different principles; one is said to be a liberal man, he makes deductions; another is said to be a cross-grained man, that will not hear reason, and he puts up the rents as high as he can.

1570. The other duties performed by the assessor, are analogous to those performed in England by the paid overseers?—Yes.

1571. *Chairman.*] I do not know whether you are quite aware what the duties of the overseer are; are you aware that the duties of the overseers in England are confined, so far as this question is concerned, simply to the collection of the poor-rate?—Yes; but I understand they value the property upon which the poor-rate was levied; perhaps I am wrong about that; I have no practical experience, and it would be as well not to ask me much about that.

1572. Mr. *Dilke.*] No overseers called overseers are paid?—That was my understanding.

1573. Mr. *Bourke.*] The persons who assist the assessor are the rate collectors, are they not?—No, they have nothing to do with the collection in Scotland. This is solely a valuation office. He gives the copies of the books to the different parties who collect the rates.

1574. Who are the people who assist the assessor?—Clerks appointed by himself. They have no status at all. There may be a different clerk every month if he chooses to change them.

1575. They have nothing to do but with those duties connected with the valuation?—Nothing to do.

1576. *Chairman.*] I do not quite understand you: do you mean that he employs people occasionally to do the work, or are these people constantly employed in his office?—They are constantly employed; there may be particular seasons that he requires two or three extra hands, but I should think that there are six or eight clerks always in his office.

1577. Mr. *Bourke.*] Have you attended any courts before the sheriff for the revision of the lists?—Yes.

1578. Does not the assessor attend all those courts?—Yes.

1579. And also the town clerk?—The town clerk attends for the municipal registration purpose, and the town clerk is custodier of the roll for Parliamentary elections also, but he does not interfere as having any opinion. He is merely keeper of the roll.

1580. You are aware of the words in section 11: "The town clerk of every borough shall attend the courts of such borough"?—Yes.

1581. Do you think that is advantageous at all?—The town clerk was bound to attend before this new system was adopted. I should think it would not be needful for him to attend at all now; but he does attend.

1582. You think the assessor does good by attending the Sheriff's Court?—He is the principal witness. If some party makes a claim and says, "I ought to be on the roll," the sheriff asks the assessor, "What do you say: has he a claim"? Then the assessor may say, "No, he did not enter for a month after the proper period," or he may say something else against him, upon which the sheriff judges as between the assessor, and the claimant, and the counsel for the opposite side. The assessor has there to give an opinion on the facts, and the sheriff is to apply the law to those facts.

1583. Mr. *Dilke.*] With regard to registration in very small boroughs in Scotland, have you any notion how much it costs; you have told us what it costs in Edinburgh; have you any notion whether the same proportion is observed in smaller boroughs?—I should think it could not be more in proportion than it is in Edinburgh, because the people are so much better known in small towns; and there are so few changes that the man in No. 1, in such a lane, was there perhaps 10 years ago, and will be there 10 years to come; whilst in Edinburgh you find a new man every time you go to certain localities.

1584. Is the registrar in small boroughs called "assessor"?—Yes.

1585. Does he, in the very small places, do clerks' work himself?—I do not know.

1586. Does he consider himself a dignified officer, that he is not to do clerks' work?—He is responsible to the magistrates and council. He is a man who, perhaps, has other things to do, and he will get a small allowance for these duties.

1587. In a group of boroughs, which I believe is common in Scotland, what occurs there; is the register made up by a separate officer in these groups?—It is. There are five, six, or seven little boroughs in particular groups, and each has it:

own borough assessor, and the sheriff of the nty hears objections, strikes out, and adds nes upon evidence brought before him, just as revising barrister does in England.

588. So that there is a certain want of uni- nity in these small boroughs, on account of necessary deductions and alterations in each ough?—I think not. If you take into account fact that the real rent is the thing to be rtained in each of them, and that neighbours' s are upon the assessors to see if they value tly; my impression is that they would be fully accurately taken in small boroughs as in ger.

589. There is no objection on the score of ense, even in the smallest boroughs?—I do not k there is; I have never heard of any.

590. Mr. *Wheelhouse.*] I see the name "resi- ter" in these sheets; is there any difference between residenter and householder in England?—No.

1591. *Chairman.*] Is not the residenter in Scotland a man who lives in his own house?—No, the word is used in a vague colloquial sense.

1592. But one man is a "residenter" and another a "gentleman"; what is the difference between a gentleman and a residenter?—A residenter may be a man in humble circumstances who does not wish to be entered as a gentleman, he may have a little to live upon and be engaged in no business.

1593. Mr. *Wheelhouse.*] With reference to a flesher, might he describe himself as a residenter?—No, the assessor would have to describe who he was. It is the assessor who is the judge of that, and his object is to give information, to say what he is, where he lives, and where he carries on business.

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Mr. Thomas Fenwick Hedley, called in; and Examined.

594. *Chairman.*] Will you tell us where reside, and what has been your occupation? reside in the borough of Sunderland. I am a valuator and assessor, and I have been for wards of 19 years connected with parochial ics in the parish of Sunderland as assistant- rseer and overseer, and have had, during that iod, the preparation of both the Parliamentary the municipal voters lists for the parish of derland. I believe I have attended every ising barrister's court, with only one excep- . for 19 years.

595. Are you satisfied, or the reverse, with existing system of registration?—To me per- ally it is no matter, for as a public officer I very little interest in politics at all.

596. I want your opinion as a man of experi- e, as to whether you think the present system egistration a good system?—I think it is very erfect and very defective; for instance, I have glanced over the register of the borough of derland, which I have here, and I find that in y cases the entries are not only double but le; the same parties are not only entered e, twice, thrice, but in some instances four es.

597. Is the original list made out by the rseers according to your experience?—It is le out by the assistant-overseers or collectors; s simply presented to the overseers for the pose of being signed by them.

598. Does that list, generally speaking, accu- ly represent the people who ought to be on register or not?—In some cases it does, and thers it does not. There are a great number louble and treble entries in that list.

599. Are there many people left off those who ought to be on them, and many people on them who ought not to be there?—I can- say that that is the case. During the 19 rs' experience I have had, I do not think there e been 20 claims from parties not put on, or bjections.

600. Then you think the present system is a y perfect one?—No, I beg your pardon, that s far as my experience goes. In other places ve heard that it is not so.

601. I can only ask you as to your own wledge; in Sunderland you have no reason e dissatisfied with the present system?—I ld not like to say that I have no reason to be dissatisfied, because on the contrary, I think it is capable of great improvement.

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1602. You have told us the objection on the ground of duplicate entries; what other objections are there?—I believe from the fact of arrangements being made, between landlord and tenant, for the landlord to pay the rate, that many persons are improperly put on, and many persons improperly left off.

1603. I asked you before whether, in your judgment, in Sunderland, many persons are put on the list who ought not to be there, and many persons who ought to be there, are left off?—Yes.

1604. You did not understand my question before?—I did not.

1605. Does that arise from the imperfection of the rate-book?—Yes.

1606. Does the rate-book in Sunderland, in the occupiers' column, enter all the occupiers of tenements or not?—Where the occupier is liable to be rated, a name does appear there, but very frequently not the correct name, where the landlord makes the bargain to pay the rate; in the case where the owner is liable to be rated, the occupier's name does not appear.

1607. Let us take those two things separately: first of all, wherever the landlord pays the rate, is it frequently the case that the occupier is omitted?—I must impress this distinction upon the Committee, because, where the occupier is liable to be rated, an occupier's name is entered in the rate-book, but if the owners agree to pay the rates, the repeated changes are not noted, and hence the inaccuracies.

1608. Though an occupier's name is down, the real occupier is not always correctly entered?—That is so.

1609. There are a number of cases such as that alluded to in Stamper's case, where a number of tenants are not entered at all, because they are held not to be liable to be rated; is that so?—In the parish of Sunderland alone, I should think there are 3,000 out of a population of 18,000.

1610. How many people within the borough of Sunderland are in the situation of the persons in Stamper's case?—Many thousands.

1611. What has happened since the decision of Stamper's case; have all those persons in a similar situation, that is, occupying flats, been omitted

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omitted from the rate altogether?—In the last rate they have throughout the borough.

1612. How many do you suppose have been omitted?—It would be a very rough estimate if I were to state it; I should think 6,000 or 7,000.

1613. Those people have been practically disfranchised by the decision that people living in separate tenements within the same house are not liable to be rated?—I could not say that they have been disfranchised, because, according to that decision, they were not intended to be enfranchised.

1614. But they did not get their votes; are those people residing in the house where the landlord does not reside?—In the great majority of cases the landlord does not reside in the house.

1615. In point of fact, they are people just occupying, as barristers occupy their chambers in the Temple?—Yes; but a very different class. On that point it will be necessary for me to inform you that out of 3,200 or 3,300 people there are something like 2,000 whose chambers are of a less annual rental value than 3 *l.*, some of them being as low as 6 *d.* a week.

1616. But, speaking physically rather than morally, the occupation is of the same character as that of chambers?—I could not possibly compare these wretched tenements in the parish of Sunderland to the chambers either in the Temple or in Lincoln's Inn. Many of them are simply cellar kitchens; many of them mere attics; hundreds of these people have scarcely an article of furniture.

1617. Still, they are separate tenements?—Yes, they are; but I do not want the Committee to think that they are anything like the chambers in the Temple, nor yet like the flats in Victoria-street.

1618. That is to say, they are not of the same rental?—They are not of the same arrangement. They are houses originally built for one family.

1619. Do you think it would be desirable to have one responsible officer to make the register of the borough?—It would be a great advantage, and it would be a still greater advantage if we had not only one officer to make the register, but one assessor for each city, burgh, or county.

1620, We cannot enter into that, because it is not a matter which is before us. Have you heard Mr. M'Laren's evidence, with reference to the system in Scotland?—Yes, and I know it from personal observation.

1621. You think that would be a great improvement, so far as registration is concerned, on the existing system in England?—Yes; supposing the valuation roll is adopted as a basis.

1622. We are not a rating committee, and cannot go into that?—The valuation roll is the basis of the register there.

1623. Apart from these tenements of the Stamper class, does the lodger question arise much in Sunderland?—I think, out of a population of 18,000, we had only one lodger claim for the parish of Sunderland. Practically the lodger franchise has been of very little advantage in the parish of Sunderland.

1624. As far as the lodger is concerned, probably that is not a matter to which your attention has been specially directed?—No, very little indeed.

1625. What is your opinion as to the making out of the original list, in the form of a street list, or an alphabetical list?—I think it would be a great improvement to make it out in the form of a street list; and even if the present system of making the rate-book the basis were continued, it would be a very great improvement on the alphabetical arrangement. A great deal of additional labour devolves upon the officer putting it into alphabetical order, which would be avoided if it were in a street list.

1626. I do not know whether you heard the observations which I made on the subject of allowing the registrar to revise his own list, subject to the claims and objections that were made—I think I did; and I think it would facilitate the business of the Revising Barrister's Court very considerably, and save him a vast amount of trouble.

1627. That is after the claims and objections are lodged that the registrar should amend his own list, from an examination of these claims and objections?—Yes.

1628. Supposing there was an accurate street list made of all the occupiers, would not that be the most useful thing upon which the register should be founded?—I think so.

1629. What I am going to put to you is this: supposing we get by any machinery an accurate street list of all the occupiers, whether you keep the rating qualification or not, could you not afterwards, as in Scotland, strike off from such a list all the persons who have not paid their rates?—Yes, but you would have to go to the rate-book to examine that.

1630. Or you might receive a return from the overseers or guardians to say, "In my parish many people have not paid their rates"?—You have what they call the "unpaid rate statement." The registrar can correct his list from that.

1631. But the first thing you want is a correct list of all the occupiers in the boroughs, whether they are rated, or have paid their rates, or anything else?—Yes; we want practically what they have in Scotland; an accurate street list of all the property. The nearest approach to it in England is the valuation lists prepared under the Union Assessment Committee Act, which are in street order.

1632. In Sunderland have you got such a list as that?—Certainly; you cannot have a register without it. No rate can be of any force that is not made in accordance with the valuation list approved by the committee.

1633. Whose name is on the occupiers' column in that book?—It is similar to the rate-book.

1634. Then it is not an accurate list of the occupiers at the time?—It is impossible to make out, in a town like Sunderland, an accurate list, from the hundreds of changes that take place among the lower class of people. It would be impossible for any staff to keep the list correct.

1635. I think I shall be able to satisfy you that it would be very easy to make out and keep such a list; you have had considerable experience of the revising courts; what is your judgment; are they satisfactory, or not, in the administration of the revision?—In the majority of cases, I think, they are satisfactory; but in other cases they are unsatisfactory.

1636. You think that they are, as near as possible, perfect?—I could not say they are very defective. We have not had 20 claims or objections within 19 years.

1637. As far as I understand your opinion it is hardly possible to get nearer perfection than

tained under the present system?—I cannot that the system is very imperfect, though e are objections to it. I am confining my ers strictly to the borough registration.

38. Mr. *Wheelhouse.*] You, of course, know ctly well the duties of the clerk of the Union ssment Committee?—I do.

39. Am I right in supposing that those offi- are the nearest to the assessor in Scot- ?—I think they are the nearest approach, this distinction: that the assessor in Scotland ponsible for the making a perfect valuation but the paid overseers, in England, make valuation roll, if I may call it so, and send he Assessment Committee. That list or roll ised by the Assessment Committee, approved em, and upon that the rate-book is made.

40. Would it be difficult, in Sunderland, to rom the post-office authorities a tolerably ate or correct list?—It would require a list taken nearly monthly of a great number of . The number of changes is so great, that e list is perfect to-day it would be imperfect week. I may state, as an important fact, the register, prepared in July, contains the s of 11,464 voters; between July and the on in November, there were upwards of persons who had changed their residences, of them on more than two or three occa-

41. You heard what Mr. M'Laren was good gh to tell us with reference to one-half the being looked for from the landlord, and the half being obtainable from the poorer class nants, giving the poorer class of tenants, if oorer class, or any individual of it, claimed ght to vote, if he paid his rates?—Yes.

42. Would you think that system an ad- ge, and could it be carried out in England? s, I think it amounts to what the position nder the late Act, and it draws a hard line for the personal payment of rates.

43. Permit me to ask this: do you think hat plan could be adopted with any advan- n English boroughs?—I think it could, at *l.*, but it would be still better if it went up

44. At all events, as I understand, by that ple we should arrive at the fact of giving erson who chose to pay his rates himself, ight to vote in respect of such payment? s, that is exactly the idea I have had ever the Representation of the People Act was discussion.

45. You, I daresay, saw the register which anded in just now?—Yes.

46. Do you think any improvement upon lan of register can be suggested?—I do hink it can; it appears to be an accurate list.

47. Mr. M'Laren told us that in some re- the Glasgow list differed from the Edin- list; do you know in what respect that nce consists?—No, I do not.

48. I believe, in your opinion, in Sunder- at all events, the lowest class of voters ut very little indeed for the franchise, if it be paid for?—They care nothing at all it. In the years 1853 and 1854 we placed 700 or 800 upon the municipal register; ad the luxury of the franchise for munici- rposes for about three years; but we found nost impossible to keep a correct register, ve were obliged to strike off these names; 3.

there was a great outcry against their names being struck off, but the masses were informed that they could have the franchise by calling at the overseer's office and signing a form or claim. There were not more than 20 who could be brought up to take the trouble of claiming. Again, we did not add the Stamper class to the register of 1868. We omitted them from the parish of Sunderland altogether; about 500 had paid their rates, and could have had their franchise by claiming it. There were only some 19 or 20 claims sent in, and every one of those claims was made out and signed by one of the clerks to the legal agents of one of the candidates. Practically, if there is the least trouble attending it, the lowest class will not take the trouble.

1649. You spoke of the municipal franchise; do you think, reasoning from analogy, that the same course of conduct would be applied to the Parliamentary franchise?—There were 500 of them who could have had it if they had taken the trouble to claim, but they would not take that trouble.

1650. What do you think is desirable; that there should be one list for Parliamentary and municipal purposes?—Most highly desirable; it would be a great saving of money, time, and trouble to the public officers.

1651. Do you think it possible to make the poor-rate a correct basis at all?—I think it might be, assuming that rate paying was to be continued, as the qualification and composition restored by requiring the owners to send to the overseers the names of their tenants at a certain time every year; I think the rate-book might be made the basis.

1652. That might be done without restoring the old system?—Under the present system it is a great loss to the parish.

1653. Under the Scottish system it might be done?—They have their hard and fast line at 4 *l.* We should get as much from the landlord at 4 *l.* as we should get under the composition system. Those tenants would have the franchise by paying the difference between the half-rate and the whole rate.

1654. Mr. *Collins.*] Are you aware of any parish in Sunderland where, since the abolition of compounding, the tenant has not been rated on all the rates made since November?—The tenants of parts of houses have not been rated since the decision of the Stamper case.

1655. The tenants of houses?—All the tenants of separate houses; but there is one remarkable anomaly that I ought to point out; that is, under that decision, where a person occupies a separate and distinct tenement, say, a small kitchen at a shilling a week, which is deemed to be a separate house. The occupier of that kitchen is put upon the rate book; and if the rates are paid, he has the franchise; whereas the occupier of a part of the same house upstairs, which is severed from the kitchen, where there are two or more occupiers, is not rated, and cannot have the franchise even at 7 *l.* rental.

1556. That is a question of law as to what forms a qualification to vote?—I apprehend the whole of this inquiry is a question of law.

1657. You do not know, since the abolition of compounding, any case in Sunderland of a person possessing the qualification, and being an occupier, who has not been rated?—I do not know of any case.

1658. Is it a very simple thing in the parish

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of Sunderland, to rate all those persons qualified to be put on the register and rated?—Yes; but I do not think that we have 20 separate cottages in the whole of that population; the great mass of them are large houses, built for one family, and let out in single rooms.

1659. You are of course aware that it is the interest of persons living in separate parishes in one union, that the rating should be fair as between parish and parish?—We try to make it so, as far as possible.

1660. Therefore the union assessment system is a fair criterion of value?—I do not think you could have a fairer criterion.

1661. The clerk to the union assessment committee is the nearest approach we have in this country to the city assessor in Scotland?—I think he is.

1662. And he would be the most suitable man, having duties analogous to perform, to make out a list of persons entitled to vote in respect of occupation in his union?—Yes; and he would have similar materials to base his register upon to those which the assessors have in Scotland.

1663. Is Sunderland in one union, or in two unions?—In one union.

1664. Supposing a town was in two or three unions, by that means you would get rid of the number of overseers, and get two or three sets of clerks; therefore, as a rule, a clerk of the union assessment committee could make out from his books the electoral roll?—No doubt he could, and if it was intrusted to one person to make out an original list we should not have the anomalies to which I was going to draw the Chairman's attention.

1665. You mean duplicate entries?—Yes.

1666. You are quite aware that in the counties that prevails to a greater extent?—Yes.

1667. You think the clerk for the union would be the proper man to make out the electoral roll?—Yes, it would insure greater uniformity and come as near correctness as you can expect.

1668. And that it is better on public grounds that a man should be appointed whose office should not be solely political?—I know nothing about politics.

1669. Do you think that a man should be specifically appointed to perform a particular office, or that he should have other duties as well?—I should think it would be a great advantage to have an officer responsible to some board.

1670. Mr. *Candlish.*] A great many houses which were originally built in Sunderland for one family are now occupied as tenements by different families?—Yes.

1671. And those tenements have not been rated?—No.

1672. But are there not a large number of other houses in Sunderland built specially for two tenements?—Yes; as much separate and distinct dwellings as the flats in Edinburgh and the chambers in the Temple.

1673. And under the Stamper decision those houses will for the future be omitted from the register?—Where the rent is below 8 *l.* they will, but where the rent is above 8 *l.* they come within the exception; every part of a house which is separately rated before the passing of the Representation of the People Act.

1674. The effect of the last Act has not been to admit on the register occupiers occuyping parts of houses under the same conditions as occupiers admitted under the old Act?—Yes; but in the old Act the occupiers of these parts of houses were not entitled; their qualification was only made clear by the interpretation clause of the Representation of the People Act.

1675. You have told the Chairman that in the main the Revising Barristers' Courts in Sunderland have been satisfactory?—Yes.

1676. Would you not change the law with regard to those courts; so as to make it obligatory on the revising barristers to correct all technicalities?—I think the suggestion of the Chairman is the best; to have the preliminary revision of the lists and claims, and to have that corrected as far as possible; and then, I think, that in the future the revising barrister should have power to amend all technical defects in the lists or register.

1677. You would give him a permissive power or a mandatory power?—A mandatory power, certainly. There is a great diversity of practice in the revising barristers. In our district the revising barristers hold that they can correct everything on the lists except the nature of the qualification. If there are any misprints, or any errors, either in the first, second, or fourth column they correct them, but they will not correct the nature of the qualification.

1678. In point of fact, the uncertainty as to what the law is has led, in Sunderland, to a class of occupiers being put on the list in one township and being put off in another?—Yes: we want some controlling power, to secure uniformity in that respect; we found the great disadvantage of in the passing of the Representation of the People Act. One principle was adopted in Sunderland another principle was adopted elsewhere, and the greatest possible confusion existed as to who ought to be rated under the 7th section of the Representation of the People Act. We took the opinion of four of the most eminent barristers on that point as to what we should do, and we received two opinions that we ought to rate the occupier of every tenement, no matter how small and two opinions that we ought not to rate the where the house was let out in tenements, as described in the Stamper case.

1679. In the event of objections being made on whom do you say the onus of proof ought to rest as to the validity of the claim?—I should in all cases compel the objector to begin and prove his objection.

1680. And would you, in the notice of objection, have the grounds of the objection stated?—Certainly, it is most reasonable that the grounds of objection should be stated, to give the person objected to the means of meeting the objection.

1681. You said that the clerk of the assessment committee would be a suitable person to make out the register?—Yes.

1682. But any other person would do as well as the clerk of the assessment committee?—It would depend upon what materials were required.

1683. If he went from house to house, as in Edinburgh, he would do as well?—Possibly he would.

1684. *Chairman.*] Where there are two or three unions within the borough, what is to happen; are there to be two or three people to make up one register?—There are very few boroughs in England where there are two or three unions, It is only the very largest towns which are the exception, not the rule.

1685. There are two in Oxford?—I can only speak

speak from my experience in the north, as to Berwick, Morpeth, Tynemouth, Newcastle, Gateshead, North and South Shields, Sunderland, Darlington, Stockton, and Middlesborough.

1686. Mr. *Candlish.*] The only reason I apprehend why you would regard the clerk of the assessment committee as the most suitable person to make out the register, would be the fact that he had the rate-book in his possession?—The valuation lists in his possession.

1687. Any one else having access to that would be equally suitable?—He might be.

1688. Mr. *Hodgkinson.*] Your experience you said extended to the municipal registration as well as to the Parliamentary?—To both.

1689. The Parliamentary list is made up on the 31st July, is it not?—It is.

1690. And the municipal list on the 5th September?—Yes; it would be a very great convenience if the dates and the whole proceedings were changed.

1691. The residence required for a Parliamentary voter is 12 months prior to the 31st July?—It is.

1692. The residence required for a municipal voter is two years and seven months prior to the 1st August?—It is.

1693. I presume that every person entitled to be upon the municipal register in respect of that long residence, would also be entitled to be on the Parliamentary register for the shorter residence?—Certainly.

1694. Are there any municipal voters in your borough, who are not also entitled to be on the Parliamentary register?—Not now. There were some prior to the passing of the Representation of the People Act.

1695. There are none, or next to none now, I believe?—Next to none.

1696. I believe it is intended that the residential distance of seven miles, is in one case to be measured as the crow flies, and in the other by the nearest road, is it not?—I believe it is.

1696*. That might perhaps in a very few cases entitle to the one franchise, and not to the other?—It might; but that would be very limited.

1697. Would not it be a very great saving of trouble to the officers who have charge of these registrations, if one register was made for both purposes?—No doubt of it.

1698. A great saving of expense also to the ratepayers?—Yes; it would prevent the two lists being prepared and two lists being printed.

1699. And two registers?—Yes.

1700. And two sets of claims and two sets of objections, all which have to be amended?—Yes; it would be a saving of one-half of everything.

1701. I believe the municipal list, which is made out on the 5th September, is made out before the Parliamentary list has been revised?—The revision is generally about September.

1702. But by the 5th September it has not generally taken place?—No.

1703. The fact is, therefore, that a man who is left off one list is left off the other?—Yes.

1704. The consequence of that would be, that he has the trouble of making a second claim; if he succeed in his claim as to the Parliamentary register, he has still to claim for the municipal?—He has.

1705. Then, having one register for both purposes would also save considerable trouble to the constituency, would it not?—No doubt of it.

1706. Do you say that there would be any difficulty whatever in having one list for both purposes, even if you do not alter the residential term for the municipal franchise?—I do not see any.

1707. Among other methods of making a distinction, you might denote a particular man with an asterisk?—The list could be prepared in street schedules, arranged according to the municipal wards, which would form very good polling districts for Parliamentary purposes.

1708. And even if there was no alteration in the qualification, it would be very easy to denote by an asterisk, or any other mark, those who had the double qualification?—Yes, the same as in the county districts; if a man polls out of his district there is an asterisk against his name.

1709. You think it would be very desirable to have one list and one register for both purposes?—Certainly.

1710. Mr. *Dilke.*] You spoke of having omitted, amongst others in the parish of Sunderland, 500 persons who might have claimed; do you mean by that, if they had sent in their claims?—Yes, if they had sent in their claims to be put on the register.

1711. How came you to omit those?—Because the "Stamper" case decided that they had been improperly rated, and the rate was quashed.

1712. Did this take place after the "Stamper" case was decided?—Yes, that was decided in July.

1713. How could they have got on the register?—If they had claimed, it would have been a question for the revising barrister, whether they had or had not a right to be put on.

1714. Why did you leave those 500 people off; their case was not affected by the "Stamper" case?—Their case was affected by this Stamper case, and it was a question of law whether they ought to have been rated or not.

1715. That was the point upon which you took the opinion of counsel?—We took the opinion of the Court of Common Pleas upon whether they ought to have been rated.

1716. You say you left off 500 persons, who, if they had claimed, might have been on the register?—No, what I meant was, that there were 500 people who had paid their rates, which was decided by the court to be an improper rate, which persons, if they had claimed, might have got their votes, but they would not take the trouble.

1717. *Chairman.*] In "Stamper's" case, was the whole of the rate quashed?—Yes, the whole of the rate was quashed.

1718. Mr. *Dilke.*] You put the matter very strongly; you have said these 500 people, if they had claimed, would have been on the register; and you mentioned as a proof of their indifference, that they did not claim; you mean that, by claiming, they would have raised another difficult point of law which might have been decided in their favour?—Yes, and it has been decided in favour of the same class of people in other boroughs.

1719. It was a point so doubtful, that you, knowing what the law was, refused to put them on?—Yes.

1720. Then it can hardly be alleged that they were indifferent?—I wish the Committee to understand that I am speaking of the lowest class of occupiers.

Mr. *T. F. Hedley.*

27 April 1869.

1721. Surely they would very properly imagine that your omitting them was a sort of *primâ facie* proof that they had no right to be on?—I am quite certain that not one out of 20 of those persons, of the 500, ever looked upon the register.

1722. That is an assumption for which you have no foundation, in fact?—Yes.

1723. *Chairman.*] This has a material bearing on your evidence generally; you come here to represent that the poorer class of voters are indifferent to the franchise?—I am speaking now of a very low class, a class which has been described in one place as the "residium."

1724. You come here to state that the "residium" do not care for the franchise?—They do not care for it, if they are put to any trouble about it.

1725. That is your opinion, that the humbler class of voters are indifferent to politics?—I am speaking of the lowest class in Sunderland.

1726. What is your definition of the lowest class?—Persons occupying places at sixpence, eightpence, tenpence, and a shilling per week.

1727. In your view, no man occupying a tenement at a shilling a week cares for political right?—They do not.

1728. You do not think they do?—They do not.

1729. And you think they ought not to have the franchise?—If they do not think it worth while taking some trouble about it, I think they ought not to have it.

1730. Mr. *Dilke.*] But you left them off because, in your opinion, they were not entitled to it?—Just so.

1731. *Chairman.*] I want to know the keystone of your evidence; your evidence is, that in Sunderland nobody who pays a shilling a week cares for the franchise?—That is my opinion after 19 years' experience.

1732. Mr. *Lefevre.*] That is to say, they would not take the trouble to go through the process of law required to obtain the franchise?—Yes.

1733. What is the trouble?—To call at the overseer's office and sign a claim.

1734. Would it not be necessary to appear before the revising barrister?—If they were objected to, not otherwise.

1735. *Chairman.*] You probably think it was an entire mistake, attempting to enfranchise these people?—I do not think it was ever intended to enfranchise them.

1736. Not to enfranchise persons paying a shilling a week?—Not persons occupying attics, cellars, and so on; we were advised that that was so.

1737. You think the "Stamper" case was all right, then?—Certainly; I have thought it right from the beginning.

1738. You are coming here, practically, to support the "Stamper" case?—No; I am coming here to answer any question you put to me.

1739. Your evidence leads in the direction that the Stamper decision was right?—I think it was according to law.

1740. And that it ought to be sustained by Parliament and by the court?—That is another question; I do not say that; I wish it to be distinctly understood that I think there are a large number excluded from the franchise by the Stamper decision; people occupying parts of houses, and paying 6 *l.* and 7 *l.* rental, who really ought to have the franchise; I am a great advocate for a hard line.

1741. That is to say, you belong to the antediluvian period of the Reform Act of 1866?—No; I am a disciple of the Scotch system of 4 *l.* rent.

1742. You come here, giving evidence as against household suffrage?—No; it is "roomhold" suffrage that I am speaking of.

1743. You would allow no one to have a vote who was rated at less than 4 *l.*?—I think that would be a very good line; I do not think there is any respectable mechanic who would care for the franchise, who would be content to house his family in less than a 4 *l.* house.

1744. Four pounds is the dividing line of respectability?—I do not say respectability, but intelligence.

1745. Mr. *Lefevre.*] You would rather put it as a definition of a house?—Just so.

1746. You would say that these rooms are not houses within the intention of the "Reform Act"?—Certainly; it was so decided in the "Stamper" case; when we gave the people an opportunity of paying their rates by instalments, they refused even that, and on a day fixed for hearing 1,500 people attended the police courts in Sunderland, and they would rather be off the rates than have the franchise.

1747. Does it seem to you rather illogical to draw a 10 *l.* line for lodgers, when many of them might possibly come on the list of voters otherwise?—Certainly it does; it requires a man to be in a tolerably respectable position in order to pay 4 *s.* a week for rooms as a lodger.

1748. *Chairman.*] Would you desire any change in the law to place the persons disfranchised by the "Stamper" decision, upon the register?—I would not go below 4 *l.* or 5 *l.*; I say that the "Stamper" decision operates very hardly upon some people, because there are very many people occupying parts of houses who ought to have votes, and have not.

1749. Mr. *Candlish.*] What was the Stamper rental?—£. 6, rateable value; or 7 *l.* 5 *s.* gross estimated rental.

1750. What was Stamper's social condition?—Stamper himself was one under the 4 *l.*

1751. *Chairman.*] You think Stamper ought to have been disfranchised?—Stamper himself did not want the franchise.

1752. Mr. *Lefevre.*] You said one lodger made a claim in the parish of Sunderland?—Yes.

1753. I presume there are a very small number of lodgers who pay less than 10 *l.* rent?—The parish of Sunderland is not a fair representation of the borough of Sunderland.

1754. You say that only one lodger made a claim?—Only one.

1755. Were there many lodgers entitled who did not make a claim?—If a man wanted to pay 4 *s.* a week for his lodgings, he would not come into the parish of Sunderland to lodge.

1756. There is a very considerable class of Stampers?—A very considerable class, both in Bishop Wearmouth and Sunderland.

1757. You think that men occupying rooms opening upon a staircase ought to be enfranchised?—Yes, above a fixed rent.

1758. *Chairman.*] That depends upon their respectability?—Not from their rent.

1759. You want to repeal the Household Suffrage Bill of 1867, for the purpose of re-enacting, as regards this class of tenements, a hard line?—I do not wish to alter the law, because the Legislature

lature has decided that these people have not to be admitted.

1760. You do not wish to admit these people except upon a valuation of rental?—I want to see the law extended so as to embrace a large class who are now excluded.

1761. People in Scotland are on the register whatever the rent is which they pay?—I have heard Mr. M'Laren say that they were not. What Mr. M'Laren stated is what I know from my own knowledge, that they do not rate the occupiers under 4 *l.*

1762. Mr. *Lefevre.*] You wish to extend the franchise in such a way as to admit the better sort of the Stamper class?—Yes, but not the very lowest of the class.

1763. The effect of that would be to draw a line somewhat similar to that in the case of the lodgers?—Yes, or as in the case of Scotland, where the line is drawn at 4 *l.*

1764. *Chairman.*] In Scotland you are aware that all these people are rated, whatever their rental may be, and it depends upon the practice how many of those are excused or not?—The practice is to put all on the valuation rolls whatever their rental. The practice is to charge the owner with one-half of the rate, and the tenant with the other half, but then they do not charge the tenant with the half where the rental is at and under 4 *l.*

1765. You cannot have been here when Mr. M'Laren stated that any decision to exclude a class of persons at a particular rental, was held to be illegal; and that therefore there is no exclusion of any particular class in Scotland on the ground of rental?—I think Mr. M'Laren stated that they had to claim. I should wish to correct the views which I think you have got, as to my wishing to narrow the franchise. On the contrary, I wish to extend it to a class which, by the recent Stamper decision, have been excluded from it.

1766. Mr. *Collins.*] You would have a hard and fast line for these people?—The hard and fast line is now practically about 7 *l.* or 8 *l.* I should like to see that hard and fast line reduced to 4 *l.* or 5 *l.*

1767. Mr. *Lefevre.*] You do not wish it to be reduced to zero?—Not to sixpence a week.

1768. Mr. *Candlish.*] You say Stamper did not want a vote for himself; did he appeal?—Yes.

1769. Was not the appeal got up by the officials in Sunderland?—I do not know. I was in London at the time.

1770. Did not the cost of the appeal come out of the rates for the township?—The costs followed the event; and Mr. Stamper got judgment in his favour. The court decreed that the parish had to pay the expenses.

1771. Was not the appeal got up by the authorities? did not the overseers initiate the appeal with a view to ascertain the law?—I do not know. I was in London at the time.

1772. If Stamper had not got his decision, would not his expenses have been paid by the parish?—I should think very likely they would.

1773. It was agreed on both sides that it should be so?—Not to my knowledge.

1774. No understanding?—Not to my knowledge. I came up to see the Poor Law Board and the Solicitor General, and I found that we had done all wrong, according to their opinion, in rating Stamper.

1775–6. The decision of the Court of Common Pleas was that a man living in half a house, and paying 4 *l.* should not be rated, but if he lived in an isolated cottage and paid 3 *l.*, he should be rated?—That is the effect of their decision; but there are very few self-contained houses at 3 *l.* I do not know any Parliamentary borough where a man could get a self-contained house for 3 *l.*, but a person occupying a cellar-kitchen is held to be a voter, whilst a person occupying part of a 7 *l.* house is said not to be.

1777. Would you give us the cost of registration with you?—The cost of preparing the Parliamentary list alone, which contains 11,464 names, exclusive of the printing, is, the overseers for preparing the lists, 57 *l.* 10 *s.*; town clerk, revising and putting them in strict alphabetical order, 120 *l.* 3 *s.* 2 *d.*; total, 177 *l.* 13 *s.* 2 *d.*

1778. Mr. *Hodgkinson.*] Can you give the municipal also?—It would be very much the same; as they are nearly conterminous.

1779. That is exclusive of printing?—Yes.

1780. Are you able to say what is the amount for printing?—The printing of the Parliamentary list cost 205 *l.*

1781. *Chairman.*] Do you think you could get a person for that sum, or very little more, to look after the whole thing?—If the two lists were combined in one, it could be done cheaper than that. I mean if the municipal and Parliamentary are combined.

1782–3. Mr. *Hodgkinson.*] By combining the two lists you would save enough to provide an official officer to do the work?—More than that; you would save the printing of one entire list.

Friday, 30*th April* 1869.

MEMBERS PRESENT:

Mr. Wentworth Beaumont.	Mr. Hill.
Mr. Bourke.	Mr. Morley.
Mr. Candlish.	Sir Stafford Northcote.
Mr. Collins.	Mr. Rathbone.
Mr. Dilke.	Viscount Sandon.
Mr. Harcourt.	Mr. Wheelhouse.

W. VERNON HARCOURT, Esq., IN THE CHAIR.

Mr. JOHN BOYD, called in; and Examined.

Mr. *John Boyd.* 30 April 1869.

1784. *Chairman.*] I BELIEVE you are Chairman of the Executive Committee of the Chelsea Registration Association?—I am.

1785. Did you attend the revising barrister's court for that borough last year?—I did.

1786. I think your attention has been chiefly directed to the case of lodgers, has it not?—It has.

1787. Do you consider that the present state of things, with reference to lodgers, is satisfactory or the reverse?—On the contrary, it is very unsatisfactory.

1788. Will you state your view of the way in which the lodger franchise has failed in respect of registration?—It has failed entirely, simply from the circumstance that the lodgers do not know how to act in order to get their votes, and the time which it was necessary for them to expend in putting in their claims, and afterwards in substantiating those claims, was such that they could not afford it. I think the system ought to be simplified.

1789. Were there many claims sent in?—I believe in the borough of Chelsea, there were between 1,000 and 2,000 claims sent in.

1790. Out of those claims, how many ultimately got upon the register?—497.

1791. Do you believe a far larger number than that were persons who really were substantially entitled?—Undoubtedly.

1792. To what do you attribute the fact that they failed to substantiate their claims?—From the time which it was necessary for them to expend in making their claims; and also from the peculiarity of the mode of making those claims, inasmuch as they had to fill up a form which they did not perfectly understand, and which form was frequently inaccurately filled up; the consequence was, that some of them were struck off the list for that reason, and others could not spare time to attend.

1793. There were, first of all, formal defects in the claims which they did send in?—Undoubtedly.

1794. And in cases where the claim was correctly made up, they could not spare the time which was necessary in order to substantiate it?—They attended in the first instance, and finding that their claims were not likely to be brought forward that day, did not attend again.

1795. How many days did the court sit?—I cannot say positively, but it sat several days; I should think at least nine or 10 days. I should tell you, I was not there every day.

1796. Of course every man had to attend, whether any objection was made to his claim or not?—Undoubtedly he had.

1797. Do you see any reason why the lodgers' claims should not be made out at the same time as the occupiers' claims, so that they should be put in at least as favourable a position with respect to getting on the list as the occupiers?—I consider it only right that it should be so.

1798. Would you prefer that they should send in a claim originally, or that the officer who has to make out the list should place them upon the list, as well as the occupiers?—I should be glad if it could be arranged so that they could be put on the list in the same way as the occupiers; but still I think there is no objection to their sending in their claim in the first instance.

1799. Supposing there was a single officer responsible for the register, and the lodgers were to send in their claims to him, and sufficient time were given for him to ascertain the validity of those claims, do you think that they might then be put upon a list by him together with the occupiers?—I do.

1800. And then, after he had so investigated their claims, that unless some person lodged a specific objection against them, they should be entitled to keep their vote?—Undoubtedly.

1801. Do you think that that would be giving them a fair position with reference to the franchise?—Undoubtedly.

1802. I suppose the lodgers have, in point of fact, as a rule, a higher qualification than the smaller class of tenements? — Undoubtedly. Many lodgers were struck off the list who were in drawing-room apartments, and some paid from 50 *l.* to 100 *l.* a year for their apartments; but they had partial board with the families, and, consequently, were struck off the list. The higher class of lodgers, as a rule, in the borough of Chelsea, were struck off the list from that cause.

1803. Was

1803. Was their boarding with the family taken as a distinctive test?—It was; our barrister made it a *sine quâ non*, that if they did they should not have a vote. He held that they must use their apartment or apartments expressly for themselves for all purposes, and not use any other portion of the house jointly with the family.

1804. Was any appeal taken on that subject?—I think not.

1805. Do you mean that the distinction turned upon whether they dined with the family?—It did in many cases.

1806. That if a man had had the same dinner in his rooms by himself he would then have been considered a lodger?—He would.

1807. Do you know whether that distinction was taken elsewhere?—I do not know that myself. From what I have read, I know it was taken elsewhere, but I do not know it of my own knowledge.

1808. With reference to the occupier's list, was the overseer's list as originally made out accurate or defective?—Very defective.

1809. How many parishes are there in the borough of Chelsea?—Four and a bit.

1810. Therefore there would be five separate lists?—There would be five separate lists, I presume.

1811. Are you able to state whether these lists seemed all to be made out on the same principle, or upon different principles?—As far as I can judge, they were all made out upon a similar principle, but I had not an opportunity of seeing them all.

1812. Mr. *Dilke.*] Four of them were alphabetical, and one, Kensington, I believe, was not?—That was so, I believe, but I had nothing to do with Kensington; I hardly know what occurred there.

1813. *Chairman.*] You have said that the overseers' list was very defective, in what respect was it defective?—Inasmuch as there were persons omitted who ought to have been on the list, and there were other persons put upon it who were dead.

1814. First of all, to what do you attribute the fact of the names of persons who were dead remaining on the list?—To the fact of those names being taken from the ratepayers' book, and the rate collector never having altered the name.

1815. That is to say, he collected at the house, and was very indifferent as to who was the person who paid the rate, so long as he got it?—Undoubtedly; he continued the old name, and gave a receipt in the old name.

1816. You say also that there were persons omitted who ought to have been on the register?—Yes.

1817. That would be for the same reason?—No; they seem to have omitted them altogether, although they are on the rate collector's book. I know several instances of my neighbours who are not on the list, to whom I went, and I asked them why they were not on the list, and whether they had paid their rates in time. I found they had done so. I got claims made for them, and ultimately had them put on the list of voters.

1818. To what do you attribute the fact that they were omitted?—To negligence, inasmuch as clerks were appointed by the persons who made out the lists in our part of the borough who knew nothing at all about it, who were hurried, and omitted names that ought to have been put on the list.

1819. Were the names on the rate-book?—They were.

1820. Then, positively the overseer's list was not even an accurate copy of the rate-book?—It was not. If I may be permitted to explain, I think that arose from the fact of the rate collector's books being street lists, whereas they had to make out alphabetical lists.

1821. The fact of their having within a limited time to turn the street lists into an alphabetical list is very likely to lead to error?—Undoubtedly it is.

1822. If it had been made out in street lists, like the rate-book itself, there would have been less room for such oversight?—No doubt.

1823. Is it your impression, from what you have seen, that it is desirable and necessary that there should be some single superintendence over the formation of the register?—Decidedly, I am of that opinion.

1824. Even assuming the rate-book to be kept, and the present rate collectors to be the persons employed to supply the materials, do you think there ought to be some person of intelligence, experience, and authority to direct their action, and to superintend their work?—I do; some public officer.

1825. Assuming that the rate-book is still to be kept as the basis of the register, do you think that there ought to be a political guardian of the rate-book, as well as an economical guardian, if the franchise is to depend upon that?—No doubt of it.

1826. Do you think that such a superintendent ought to have authority to see after the people who keep the rate-book, and to see that men whose franchise is to depend upon the rate-book, are there when they are entitled to be there?—Undoubtedly.

1827. Were you satisfied, or the reverse, with the manner in which the investigation took place in the revising court?—I was satisfied with the revising barrister's decisions, as the law stood.

1828. I was not asking so much with reference to that as with reference to the time that could be given to the investigation of the particular claims; do you think there was any hurry about it?—No; I do not think there was any hurry; but the objection on both sides was this, that during the working-men's hours they had not an opportunity of substantiating their claims, from the fact that some objection was taken, and the lawyer, on the one side or the other, got up and consumed the time, and the poor men had not the opportunity of substantiating their claims. That is the reason why I should advocate the revising barrister's court being kept open of an evening.

1829. What should you think of such a plan as this: that, assuming some superintending officer to make out the original list more correctly than it is at present, and such a list to be published, objections and claims should be served upon the registrar, and that it should be his business, before the revising court sat, to investigate those objections and claims, and amend them as far as he thought fit, and that persons who were dissatisfied with his decision on those points, should then carry up any objections or claims they wished to insist upon to the revising barrister's court?—I think, with reference to the first

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first part of what you have stated, it would be a necessary part of his duty to do so, and that, as a protection for the claimants, they might be allowed to carry up their claims before the revising barrister, and let him decide them.

1830. Would that, in your opinion, enable a number of objections and claims of a merely formal character to be corrected, so as to diminish the inconvenience and time consumed in the revising barrister's court?—There can be no doubt about that.

1831. So that the claims and objections would be sifted out, and there would only be left really disputable questions to be decided in the revising court?—No doubt.

1832. Do you think that would have the effect of saving the time of people whose time is their money?—No doubt it would, but there is one thing I would beg to impress upon the Committee, which is this, that I have a very strong opinion that the claims of lodgers and householders or occupiers, as the case might be, should be sent in on the same day; say, for instance, June 25th; that there should not be two days, one for lodgers, and another for occupiers, inasmuch as that would be sure to lead to errors and mistakes.

1833. What was done on the subject of costs at the revising court at Chelsea?—I never myself heard anything whatever about costs.

1834. Were there any costs at all given?—I am not aware of it; not while I was present.

1835. For instance, supposing an objection failed, did the man get his costs or not?—I do not know that I ever heard a claim made for costs; I do not recollect having heard one.

1836. Were there any objections made upon either side?—There were not.

1837. Was that by agreement between the parties?—I cannot say. I know nothing of an agreement between the parties; but it was so, in fact.

1838. In your opinion, from what you know of the facts, do you believe that there were a number of persons' names upon the overseer's list who were not entitled to be there?—Yes, principally occupiers.

1839. I presume, if there were no objections, they remained there?—Undoubtedly. The only question would be, whether they had paid their rates in time or not.

1840. Mr. *Dilke.*] I think you have made some calculation with regard to the total number of lodgers in all the metropolitan boroughs together who succeeded in getting on the register, and with regard to the proportions borne by them to the size of each of those boroughs?—Yes. The number of lodgers in the whole of the metropolitan boroughs is estimated at between 200,000 and 300,000. The number on the register in the whole metropolitan boroughs, as far as I have been able to ascertain from good authority, is 14,254. The proportion of lodgers on the register in Westminster is 1 in 4½; Southwark, 1 in 300; Marylebone, 1 in 9; Finsbury, 1 in 12; Chelsea, 1 in 35; the City, 1 in 40; Hackney, 1 in 42; Lambeth, with Tower Hamlets, 1 in 70; and Greenwich, 1 in 62.

1841. That extraordinary difference of proportion, you would think, is not entirely owing, or not even largely owing, to any difference in the proportion of lodgers to houses in those boroughs?—No.

1842. But chiefly to the difference in the pains taken by the other persons, not the lodgers themselves, to put them on the register?—Undoubtedly.

1843. Therefore, in your opinion, that difference of proportion tends to show that the difficulties of the law are too great for the lodgers to get on the register of themselves, but that they must wait for somebody else to put them on?—Undoubtedly. We have an extraordinary instance of that in Chelsea. In the ward with which I am more immediately connected, there were 147 lodgers, out of 497 altogether in the borough. We took pains to get as many on as we could. In North Hammersmith there is only one lodger on the register; in South Hammersmith only four lodgers on the register; in North Fulham only two; and in South Fulham only 14.

1844. As a matter of fact, there are a great number of lodgers in both North and South Hammersmith?—Yes, thousands.

1845. You would attribute there being so few on the register to the great distance these men have to come in order to attend the revising court?—Undoubtedly; many of them would have to come four or five miles.

1846. That must inevitably be the case with any revising court unless it were travelling about a large borough?—Undoubtedly.

1847. That difficulty, you think, would be avoided by the preliminary revision, which would really do the mass of the work?—Undoubtedly.

1848. Has it struck you that it is possible to avoid having the three great officials that we at present have, or propose to have, that is, the returning officer, the registrar, and the revising barrister?—Yes.

1849. Do you think it possible that one of these might be dispensed with?—Undoubtedly; there is no occasion for three.

1850. In what way would you propose to dispense with one of those three; I am speaking particularly of metropolitan boroughs, because in metropolitan boroughs only, is a returning officer not a local officer, but a person appointed for the purpose?—I think the revising barrister might be the returning officer.

1851. You think the revising barrister and the returning officer might be the same person?—Yes.

1852. *Chairman.*] There would be the difficulty about that that he revises in a great many boroughs, and the elections take place on the same day?—There would be no objection to the registrar being the returning officer, providing he were properly appointed; something depends upon who appoints him.

1853. Mr. *Dilke.*] The returning officer's duties, I believe, are purely formal; there is nothing that would be inconsistent with his being registrar; he would not have to revise his own decisions?—No, certainly not; he would only have to cast up the number of voters, and declare the state of the poll.

1854. Mr. *Candlish.*] He also has to make arrangements for taking the poll and concluding the election?—Yes.

1855. Mr. *Dilke.*] I believe the returning officer in the borough of Chelsea is appointed by the sheriff of the City of London acting as high sheriff of the county?—That is so.

1856. He is a member of the under sheriff's firm, is he not?—Yes, I know he is.

1857. Do you happen to know that the returning officer in the borough of Finsbury is similarly appointed

appointed, and is also a member of the same firm?—Yes.

1858. I believe in Southwark and in Westminster the high bailiff is the returning officer?—Yes, I believe he is.

1859. The returning officer makes certain charges upon the parishes forming the borough, does he not?—I believe he does.

1860. I believe the difficulty to which you referred in connection with the lodgers as having occurred in the revising barrister's court, where a large number lost their votes through a difficulty being raised at the moment of the dinner hour, when they were all, or great numbers of them, there, was a difficulty on the form of claim?—It was.

1861. There were two forms of claim in use for lodgers, I believe, in all metropolitan boroughs?—Yes, I saw them in ours; I do not know what they were in the others.

1862. I believe that the form prepared by the Reform League differed from the other form in a pure technicality?—I believe so.

1863. You are aware that that form was objected to in court, and that all those who had served these forms of claim were objected to, and their votes allowed only subject to a case being raised?—Such was the case.

1864. Therefore a difficulty was raised by which, if money had been found to prosecute that appeal, the whole of these people might have been caused great inconvenience, even if they did not lose their votes?—No doubt of it.

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1865. Were not certain slips of paper very largely circulated about metropolitan boroughs, particularly Westminster and Chelsea, which purported to be forms of claims for lodgers, and which were not?—Yes.

1866. As an instance of the great difficulty and the number of pitfalls in the lodgers' way, a large number of persons filled up these slips of paper under the impression that they were serving forms of claims, which, as a matter of fact, might as well have been written upon waste paper?—They were, in fact, forms of inquiry, but they took them for forms of claim.

1867. Do you think it would be sufficient, if a registrar were appointed, if a lodger instead of filling up a printed form, should write a letter to the registrar in which he should practically give the same information which is required by the printed form?—I should think that would be a simpler and much better plan.

1868. *Chairman.*] And that then the registrar should inquire into his qualification?—Yes, and if he were found to be qualified, that he should put him on the list of voters.

1869. In fact, all that would be necessary should be, that the lodger should put the registrar on inquiry?—That is all.

Mr. THOMAS NICOLLS ROBERTS, called in; and Examined.

1870. *Chairman.*] I BELIEVE you are the Secretary of the General Liberal Registration Association, and your offices are at 43, Parliament-street?—Yes.

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1871. You are, I believe, practically in communication with most of the boroughs in England on the subject of registration?—I am.

1872. And counties as well?—Yes.

1873. For how many years have you had experience of the system of registration?—A little more than 25 years.

1874. You have, I believe, known the system ever since the Act of 1843?—Yes.

1875. I will ask you generally, having known registration from its cradle, what is your opinion of the working of the system at present; is it satisfactory or the reverse?—You are speaking now of borough registration?

1876. Yes?—It is, I think, quite unsatisfactory.

1877. First of all, do you consider that the machinery for making the original overseer's list results in giving you a correct and accurate list of persons entitled to vote?—No, I think not.

1878. In most boroughs there are numerous parishes, are there not?—There are in a great many.

1879. Where there are numerous parishes, of course, the making of the list of voters is referred to several people?—Yes, undoubtedly.

1880. The person made responsible by law for the list is the unpaid overseer, is he not?—Yes.

1881. As a fact, I believe the person who in law is responsible for the list is not the man who makes it; I suppose the unpaid overseer very seldom makes the list himself?—Except in the parishes in country boroughs. In all large boroughs the unpaid overseer never makes it.

1882. Mr. *Candlish.*] When you say "except the parishes in country boroughs," you mean small country boroughs, I suppose?—I mean such boroughs as Woodstock.

1883. *Chairman.*] We have first of all this fact, that the person who is responsible for the list in law is not the person who makes it?—That is so.

1884. I suppose it is practically left, either to the paid assistant overseer, or to the rate-collectors?—Yes, or to the vestry clerk.

1885. In law the overseer is called upon on the 1st of August to publish a list of people entitled on the 31st of July?—He is.

1886. Does he, or can he, in fact, publish any such list?—It is hardly possible that he can do it.

1887. It stands to reason that he cannot?—Yes.

1888. Therefore the law first of all calls upon the person to do it, who does not do it, and it calls upon him also to do a thing which he could not do; is not that the fact?—Quite so.

1889. Therefore the register as now produced, whatever might be its character, is something which is and must be totally different from that which the law contemplates?—Yes.

1890. As a fact the overseer or the rate collector, or whoever the person is that makes out the list, does make a transcript of the rate-book, does he not?—Yes, he ought to do so.

1891. And upon that rate-book will be found the names of the persons who were put down for the last rate, whenever that was made?—Yes.

1892. Then, supposing the rate-book were perfectly accurate, those might be persons who might be gone away or dead long before the 31st of July, I suppose?—Quite so.

1893. According to the date when the previous rate was made?—Quite so.

1894. In some places the rates would be made four

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four times a year, in some places twice a year, and in some places once a year?—Yes.

1895. Therefore it might be that the rate might be made on the 1st of January, and that the people who would be put down on the list would be the persons who appeared in the rate-book on the 1st of January?—Yes, or even in the previous September.

1896. You probably in the course of your experience have seen a good deal of the rate-books; in your judgment does the occupier's column of the rate-book accurately represent the occupiers of inhabited dwelling-houses in boroughs?—So far as I have seen the rate-books, I do not think that it ever does, not even in the most accurately kept rate-books; I have never found it so.

1897. Therefore, if you want a list of inhabitant occupiers of dwelling-houses, the occupiers' column of the rate-book would not, according to your experience, give you such a list?—Certainly not.

1898. To what do you attribute that defect on the part of the occupiers' column?—In a great many instances the rates are paid by the owner, and the rate collector does not care to give the names of the tenants; it is only giving him additional trouble, and it also gives the overseer additional trouble in entering them; that is one reason why they do not appear.

1899. If a man dies, and another man takes his place, is it always corrected in the rate-book?—No, it is not always corrected, although I know in a good many rate-books that I have seen it is generally corrected; there are others in which it is not corrected.

1900. According to your experience in various parishes, and in different places, do the rate-books vary much in point of accuracy and correctness?—They do.

1901. In your judgment, if the rate-book is to be kept as the basis of the franchise, do you think there ought to be some political guardian of the accuracy of the rate-book appointed, as well as an economical guardian of it?—I have always thought so.

1902. If the franchise is to be made to depend upon the correctness of the occupiers' column, may I take it to be your opinion that there ought to be some appointed officer who should see that that rate-book is accurately kept for political purposes, as well as for economical purposes?—Quite so.

1903. You have said that the occupiers' column is frequently inaccurately made out, because the owners pay the rates instead of the occupiers; you are probably well aware that the object of the last Reform Act was to rate the occupiers instead of the owners?—Yes; I am quite aware of it.

1904. That the owner does, in many cases, pay instead of the occupier?—Decidedly.

1905. Wherever that is the fact, does it frequently occur that the occupier would not be entered in the column, he not being the person from whom the money is collected?—Certainly.

1906. And that quite irrespective of the law?—Yes.

1907. From your experience, what should you say as to the expediency of making out the overseers' list as a street list, with the occupations consecutively as compared with an alphabetical list?—I think the balance of advantage would be in favour of the street list form.

1908. I am speaking of course of the original list, not of the polling list; would it be more easy to examine such a list for the purpose of ascertaining whether people were qualified or otherwise?—I should think it would.

1909. The rate collector who has constantly to go from one house to another, does frequently make out his list as a street list, does he not?—The rate-books are all made out upon that principle.

1910. And that is so, I suppose, because it is most convenient?—Yes.

1911. If the rate-book is still to be kept as the basis, the process of turning the rate-book into an alphabetical list is a superfluous operation, is it not?—Yes.

1912. And one which is very apt to lead to incorrectness and omissions?—Yes, it entails a great deal of trouble, and I do not see what the advantage is.

1913. It would be very easy for purposes of reference to arrange the streets alphabetically, so that a man would immediately find his street, and then look for his number?—The streets ought to be arranged alphabetically.

1914. In each polling district?—Yes.

1915. You would have a separate list, I suppose, for each polling district, the streets within that polling district arranged alphabetically, then each man would turn to his street, and then to his number?—Yes.

1916. You have said that you think that there ought to be one superintending officer to look after the register?—Yes.

1917. I see that in the Report of the Committee of 1846, of which Mr. Villiers was the Chairman, this is recommended: "Your committee wish, however, further to state their opinion, although they are not prepared to offer any specific suggestion for the purpose, that without altogether depriving claimants or objectors of their respective rights as now enjoyed, it will be very desirable to render the registration a matter of official duty on the part of responsible competent officials to be employed in forming and correcting the county registers"; that applies to counties: they go on: "they cannot conclude without submitting to the House, that the present mode of remunerating the revising barristers appears to lead to a greater hurry of business than is quite compatible with that minute and deliberate investigation which is necessary to ensure as much as possible a complete, clear, and accurate register; but some alteration in the present system of remunerating those officers would be desirable;" do you think that is an accurate representation of the present state of things?—I think so.

1918. As regards boroughs as well as counties?—I think so.

1919. Do you think that some remedy for those evils is as much wanted now as it was 23 years ago?—I think more so.

1920. Do you think that that is still further increased by the great addition which has been made to the numbers entitled to the franchise?—Unquestionably.

1921. Do you consider that the last registration placed upon the register the number of persons who were entitled to be there?—No, I think not; but it was so purely an exceptional registration, and things were done in so great a hurry, that it was hardly fair to take that registration as a test.

1922. I understand your opinion not to be founde

ounded on the last registration, but upon your eneral experience, extending over a great many ears?—Yes.

1923. If you had such a superintending officer f registration, do you think he might be properly alled upon to investigate all objections and laims by a preliminary revision, so as to see hich were well founded and which were ill ounded, and to make an amended list?—I think would be very desirable.

1924. In that way, would not a great number f merely formal errors and oversights be corected, which now make it necessary for persons o come and attend for days together at the registration courts?—Unquestionably.

1925. At present, if an error is once made, nd an objection taken to it on the overseers' st, there are no means of correcting that error, xcept by attendance and waiting your turn at he registration court?—No.

1926. You must go there and wait until your arn comes?—Yes.

1927. If you happen to be away, or are not ble to go there, the objection prevails, and your ame is struck off?—You must go there yourself, r some one must go on your behalf; time must e wasted by some one.

1928. Do you think, in the case of objections, he specific character of the objection ought to be ated?—Decidedly.

1929. That a man should not be called upon o come and defend his vote without any intimaion as to the nature of the objection that is going o be raised against it?—I think not.

1930. Would you have it a good deal more pecific than the objections made in the county ote, which only states the column; the column n the county vote only indicates a particular ualification, not at all the specific character of he objection?—Yes, certainly, the ground of bjection ought to be so framed that the party bjected to should know what it was that was alled in question.

1931. Do you see any objection to the lodgers' laims being sent in before the first list is made, o that the person who makes the list may investiate those claims, and put upon the list those hom he finds entitled to be there?—On the ontrary, I think, it would be a very great adantage.

1932. If that were so, the lodger having had is claim investigated by the registrar, might be ntitled to have his vote, unless somebody should llege some objection against him?—Yes, he ught to have it.

1933. He ought to be placed in as favourable position as the occupier?—Quite.

1934. The lodger is a man quite as much enitled in all respects to be treated favourably as he occupier, is he not?—I think so.

1935. Do you think that, practically, a 10*l.* odger might be as easily found out and identified y the registrar as the occupier of a small tenement?—I have no doubt about it.

1936. Therefore, you see no difficulty in the odger being placed in as favourable a position as he occupier, by being put on the registration ist?—Not the slightest difficulty.

1937. As to the forms of claims and objections, rom your experience should you say that there as been a good deal too much technicality about hem?—Yes, there is a great deal.

1938. Does it not frequently happen that objections which are perfectly well founded fail from some technical defect?—Yes.

1939. I think I saw in the paper this morning that at Bewdley the revising barrister struck off a claim because the parish was described as Mitton instead of North Mitton?—He disallowed the objection because the objector had described himself as of Mitton instead as of Lower Mitton.

1940. The judge gave validity to the objection, and struck off all the votes?—Yes.

1941. That is an example of how the fate of an election is turned by the technicality observed in respect to objections?—Yes.

1942. Do you think that the power of the revising barrister to amend ought to be enlarged?—Yes, unquestionably.

1943. Do you think that substantial justice is frequently defeated by the narrow interpretation of the 40th section of the Registration Act?—There is no doubt about it. If the qualification is proved to the satisfaction of the revising barrister, then the revising barrister ought to put it into shape.

1944. Even though it may not be precisely the same qualification as stated, if he is satisfied that no injustice has been done in respect of want of notice?—Quite so.

1945. Do you think that if the revising barrister thinks he has substantially got the parties before him, he ought then to mould the qualification so as to support the vote?—I do.

1946. As to the question of appeal, do you think that a man ought to be entitled, upon giving security for costs, to have an appeal?—I have always thought so.

1947. Do you think it would have been a great hardship in the North Mitton case if the revising barrister had decided he would not give an appeal, and that the votes had fallen through though the people had been ready and willing to give costs?—Yes.

1948. What I have suggested to you is, that there should be a preliminary revision by the registrar upon the objections and claims delivered to him, I have not proposed that any costs should be imposed upon those preliminary objections, but presuming him to have made such a preliminary revision, and supposing the parties to be dissatisfied with his decision, and to desire to carry their objections before the revising barrister, do you think that then they ought to be compelled to pay costs if they fail?—Yes, if they fail, certainly.

1949. You would then allow the first objection to be delivered free of costs to the registrar, and after he had investigated the claim, if they persisted against his decision, that then they ought to pay the costs if they failed?—Yes.

1950. Do you think there is considerable hardship, at present, in respect to the want of payment of costs in the case of objections made to voters?—There is no doubt about it.

1951. Do you think the revising barristers give costs in cases where they ought to give them as a general rule?—No.

1952. I am again pointing to objections persisted in after preliminary revision; if a man objects to a vote which has been investigated by the registrar, would you call upon the objector to prove his objection in the first instance, or would you leave it to the voter to establish his title?—I would have the objection proved in the first instance.

1953. I do not mean the notice of the objection,

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tion, but the substance of the objection?—Yes, the substance of the objection.

1954. You would in that case call upon the objector to prove his objection in the first instance?—Quite so.

1955. Do you see any reason why a man's vote should be placed in a different situation from any other franchise or property which he possesses, and that the person who impeaches it should not have the responsibility of showing why he attacks it?—No, I do not.

1956. In your experience of the conduct of the revising courts, do you think, as at present from what you know of their working, they are satisfactory or the reverse?—I think they are very unsatisfactory.

1957. First of all do you think there is any uniformity in their principles of action?—No; I have conversed with revising barristers, and they admit that themselves; I know that barristers on a given circuit have endeavoured to come to something like an understanding upon general principles; but I have seen barristers on the adjoining circuit act quite differently, in fact, decide quite the other way.

1958. From your experience, would you desire to see some more controlling and directing power over the revising barristers, to regulate their proceedings more than at present?—Yes, I should.

1959. Do you think the mere machinery of appeals from all decisions is sufficient, or would you like to have some more general authority over them?—I think it would be more desirable that there should be some more general authority.

1960. Do you think the Court of Common Pleas might have authority to make regulations for the direction of revising barristers?—Yes.

1961. At present a revising barrister, subject to the appeal in law from his decision, is absolute master of his own proceedings, is he not?—There is no doubt about it.

1962. There is nobody who can direct or control him at all?—There is no doubt about it.

1963. Either as to the times in which he will sit, or the manner in which business shall be conducted, or the principles upon which he shall be governed; all these things are entirely in his discretion?—Yes, only that he must sit within certain periods.

1964. For instance, if it were considered desirable that he should sit in the evening for the convenience of voters, if he does not choose to do so there is nobody who can direct him to do it?—No.

1965. Do you think it would be a good thing if the period for the examination of the original lists were extended over a longer time, so that there was more time given to all sides for the purpose of examining the lists?—I think it would be a very great advantage indeed; want of time is always what we have had to complain of.

1966. The law, if they observe it, gives the overseers 12 hours for making out the whole list of the borough?—Yes.

1967. You would, then, place the qualifying period at a considerable distance from the period at which the first list is to be published?—I would.

1968. So as to give the persons who are to make out the list really time to make it out in accordance with the period which it pretends to exhibit?—Yes, and to give parties more time to investigate the qualifications.

1969. Supposing you had some superintending authority to look after the register, do you think it might be left, in particular boroughs, for them to find such machinery as was most appropriate in the particular borough for doing the work?—I think so.

1970. I suppose in different boroughs it would vary very much?—It must of necessity, from the varying character of the boroughs themselves.

1971. In some places, in great towns like Birmingham and Liverpool, it might be worth while to have a separate staff; for smaller boroughs it might be desirable to employ the rate collectors, or whoever might be the persons on the spot most capable to do the work?—Yes.

1972. Do I understand you to be of opinion that the primary thing is, that there should be some superintending mind over the whole affair?—That is my opinion.

1973. And some man who, from his position, should be competent and experienced in directing those who were to work under him?—Yes.

1974. If such a person were appointed in any borough, do you yourself fear that he would be actuated by political partiality?—He might be, but he would very soon be set straight, I think.

1975. Do you think there would be more or less fear of one man placed in that situation, having control and direction of the whole, being liable to suspicion of political partiality, or some man among a dozen overseers in a dozen parishes in a borough?—I should think the probabilities are, that one man would be much more likely to run straight than a dozen.

1976. He would be more under the public eye, and more under the control of public opinion?—Quite so.

1977. Mr. *Collins.*] Do you think that an officer who had other duties to perform, like the Registration Office in Scotland, or an officer specially appointed for that purpose is most likely to be elected for political purposes, as an abstract question?—I should certainly prefer the Scotch system myself.

1978. You know the clerks of the union assessment committee in these parishes?—Yes.

1979. Do you know any other officer, any individual who holds a position more analogous to the Scotch assessor, as he is called, than the clerk of the union in this country?—No; no other officer strikes me at this moment as being more analogous.

1980. Do you think it would be an improvement, if instead of having a dozen overseers to make out a list you should have either a single clerk to the union, or if the borough were in two or three unions, that you should have two or three union clerks in preference to a score of overseers?—I think so, decidedly. I am not quite sure, but I believe that when I was examined some few years ago upon the county registration I recommended that the clerks to the union should be the officers to make out the lists.

1981. Can you give us any instance in your experience, specifically, where the owners have been rated since the abolition of the Small Tenements Act in boroughs?—I have not seen the list myself, but I have received letters from correspondents saying that it was so; from Liverpool notably.

1982. Can you give us any other borough?—No, I cannot at the moment.

1983. Your memory at present only supplies you with Liverpool?—Yes.

1984. No

1984. Now as to the lodgers; do not you think there is a great difference between a lodger claiming for the first time, and a lodger claiming for the second time, after he has once made good his qualification before the barrister; you know that in the counties, with reference to ownership, every man must claim the first time?—Yes.

1985. And then having claimed the first time, he is put on a permanent list?—Yes.

1986. Would you think the analogy of a lodger in a borough is somewhat similar to that of a voter in the county; that the first year he should prove his qualification?—The voter in the county is not bound to prove his qualification unless objected to.

1987. You think the lodger should send in his claim and be put in the same position as a voter in the county, and be liable to be objected to?—I do.

1988. Would you give any means by which you should be protected from frivolous claims more than at present exists?—I really do not see what can be done more than the law gives at present, because the law gives the revising barrister power to inflict costs upon persons who make frivolous claims.

1989. The law as it at present stands with reference to frivolous claims, does not work well?—No; but very rarely.

1990. Would you suggest any means by which practically the system of giving costs in frivolous claims could be made to work?—I think if the Legislature were to appoint a registrar as has been indicated, the registrar should positively have the power to throw out in his preliminary inquiry any such claims, so that the revising barrister's court should not be troubled with them.

1991. Without some judicial power exercised in some such way as you suggest, you do not see any means of checking frivolous claims?—I do not; because at present I could sit down and write out a lot of claims for every county in England, and I could send them to the overseers. The overseers do not know anything of me, but still they are bound to put the claims on the lists.

1992. Would there not be some difficulty in the case of a lodger in ascertaining whether he really occupied to the value of 10 *l.* a year clear of all payments for wages or attendants, or that sort of thing?—There might be some difficulty in a few cases, but I should think they would be very few, indeed.

1993. Does anybody except the landlord, and the lodger himself, know the real terms on which the lodging is taken?—No, I should say not.

1994. Therefore, if any person were to put a lodger on he would be merely going upon the testimony of the landlord or the lodger, uncorroborated by any official document?—Yes.

1995. Is not there that material distinction between the man who is qualified in right of occupation, and whose name is on the rate-book, and the case of a lodger?—There is no doubt that material distinction between the two.

1996. The lodger would then come in unless objected to, without power for the other side to cross-examine him?—Yes.

1997. And upon his own mere statement, or would you make the joint statement of both the lodger and the landlord necessary?—I think in the case of a lodger, it perhaps would be advisable that on the first claim that should be so.

1998. Would you require that statement to be in writing?—I do not think I should; I am now assuming that you have a preliminary court.

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1999. Suppose we have not a preliminary court, but suppose we go on on the present system, or some system analogous to it, for a lodger to be placed upon a preliminary list would you require the joint statement of himself and his landlord that he really paid 10 *l.* a year for the rooms; that his qualification was a substantial qualification?—I do not think I should go to that extent.

2000. The landlord would be a man from whom you could recover costs for making a frivolous claim much more easily, I suppose, than you could from a lodger?—Well, I do not know that.

2001. It would be easier to ascertain whether there was such a person as a fictitious landlord than a fictitious lodger?—It would.

2002. I suppose the lodgers vary very much, but in some particular boroughs there are very few?—Yes, there are very few in some; very few indeed. As far as I recollect there were only about a dozen in the borough of Banbury.

2003. You think if you were to have a public officer, and anything like the present system is to continue, the clerk of the union is the fittest officer to make out the list?—Quite so.

2004. Mr. *Hill.*] You spoke of some variety of practice between the revising barristers; upon what points and in what matters?—Take the case of a county register. In the third column of the register the statement will be "land"; the qualification really should be "freehold land." "Land" by itself does not tell you whether it is freehold, leasehold, or copyhold, or whether it is for occupation. I have seen barristers who decline to make any alteration in it; they said it was no qualification at all as it stood, and they must strike it out; others have received evidence upon it, and if they were satisfied they have prefixed the words "freehold," "leasehold," "copyhold," or "occupation," as the case might be.

2005. Some of them have been more disposed to alter the words of the claim than others?—Yes. In fact others have held that they had no power to alter it at all; that they must strike it out.

2006. Has there been any decision upon that in the Court of Common Pleas?—No, there never has been.

2007. There never has been a question raised?—No.

2008. It has not been thought material enough to raise a question upon it for the Court of Common Pleas?—It was thought material enough, but the revising barrister refused a case.

2009. Where was that?—In North Northamptonshire, in the year 1864.

2010. Is there any other variety of practice?—Yes; with reference to the fourth column of the register, the 7th section, 6 Victoria, chapter 18 says, that if the name of the occupying tenant is given in the fourth column, together with his place of abode, that then the objector must give notice of objection to the occupying tenant. Suppose the fourth column says, "Parliament-street, William Jones, tenant," then the party making the objection gives no notice to the tenant; but supposing it says, "William Jones of Parliament-street, tenant," then he must give a notice. I have heard barristers decide that "Parliament-street, William Jones, tenant," meant

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meant that William Jones was the occupying tenant, and they even decided that the notice of objection should have been given to the tenant as well as to the owner. Others again have said, "William Jones" may live anywhere, and not necessarily in Parliament-street.

2011. Have you heard different decisions upon the same words?—Yes, decidedly.

2012. And no question was raised upon that in the Court of Common Pleas?—No; I have seen revising barristers offer to give cases upon that, but the parties would never take them up.

2013. That is upon the construction of the Act; but have you ever, in point of practice, seen any variation beyond that in the course adopted by different revising barristers?—I do not exactly understand what you mean.

2014. You have said, in consequence of there being no controlling power over the revising barristers, they had different modes of practice and procedure?—I have known a revising barrister fix his court so as to take three polling districts in one day, while another one has never sat more than in one polling place in one day.

2015. That might be in a different county?—No, the same county.

2016. Mr. *Beaumont.*] Are you talking of the borough or county?—The county.

2017. Mr. *Morley.*] Who would you recommend should appoint this official registrar?—I have not turned that over in my mind.

2018. Would you have him appointed in the district?—Yes.

2019. Not by the Government?—No.

2020. Would there be any danger of its being made a matter of political contest?—There might be.

2021. You would, perhaps, rather run that risk than place the appointment in the hands of the Government?—Yes, I would.

2022. Has your attention been drawn to municipal registration?—It has not.

2023. Have you had any opportunity of observing that in many boroughs having two registrations it is felt to be very oppressive?—I have heard that it is so.

2024. Has it come under your own notice so that you could express the opinion that persons upon whom you could rely ever felt it to be desirable that they should get one registration?—No, I cannot say that it has; I have heard a great many complaints, but I could not say that.

2025. As to the lodgers, would you think that, with the proper penalty for a frivolous claim, the production of the receipt should be sufficient?—Receipts are rather awkward things; I should hardly think that that should be sufficient; it ought to be generally, but I would not say it should be absolutely sufficient, because I have known instances where receipts have been made out for the purpose. I do not say now that I know of instances where receipts have been made out for lodgers, but I do know of instances where receipts have been made for other purposes.

2026. That would be a fraud?—Yes.

2027. If it were punished severely, do you think that would stop it?—There is no doubt if you could get at it in that way it would be stopped.

2028. If it were known that on suspicion, and proof shown, a fraudulent receipt had been given, the party would be amenable to a severe penalty; do you not think it would be a very simple method of proving a right to a vote?—There is no doubt it would be the most simple if it could always be relied upon.

2029. Mr. *Candlish.*] You have been asked respecting frivolous claims; have you known much abuse of that nature?—Yes.

2030. Are frivolous claims extensively put forward?—Yes; I speak now of counties, I do not speak of boroughs, because it is of very little use a man putting forward a frivolous claim in a borough; he must either go himself to swear to what is false to support it, or he must get somebody else to go; in a county you are not called upon to prove your qualification unless you are objected to.

2031. It is not a borough abuse at all in your experience?—No, I do not think it is.

2032. You have known much abuse in the way of frivolous objections, have you not?—Yes.

2033. That is extensively prevalent?—Yes.

2034. Would you guard against frivolous objections by any obligation to give security for costs?—I think that they ought to give security for costs provided you have this preliminary revision before the registrar.

2035. You would not require security for costs on the preliminary revision?—No, certainly not.

2036. But you would on the ultimate revision?—Certainly.

2037. You have been asked by the honourable Member on my right how you would appoint the local registration officer; did I understand you to say that you would give such appointment *ex officio* to the clerk of the assessment committee?—No; I believe I stated in answer to the honourable Member that the clerk to the union would be the most desirable person, and that is my decided opinion.

2038. You think that no political considerations would materially enter into the election of such an officer?—I should think not.

2039. Would not anybody else be equally eligible for the office who had access to the same materials as those to which the clerk of the union had access?—Yes, quite so.

2040. Anybody having free access to the rate book would be as eligible, and have the same facilities that he had?—Yes.

2041. Do you know if the designation of the qualification where it has been entered "house," has been held to be insufficient, and that it ought to have been "dwelling-house"?—I think I heard of such a case, but I do not know of it.

2042. You know nothing about the proceedings before the revising barrister at the last Tynemouth revision, do you?—I believe, now you refer to the name of the borough, that I had a letter about it, and I think it was upon that very point.

2043. Are you aware that it was there held that the designation "house" was insufficient, that it should have been "dwelling-house," and that the revising barrister refused it, and disallowed the vote?—Yes; now you have brought that to my memory, I believe that was what was written to about.

2044. Would you compel the revising barristers to correct all such misdescriptions?—Decidedly I would.

2045. Have you known anything of the operation of the "Small Tenements Act"?—No, I have not.

2046. You could not tell whether its revival would

would lead to still further discrepancies between the occupants and the occupiers' column; whether they would be still further omitted from the occupiers' column?—No; but I should think it would.

2047. There would be no motive then to put an occupier on the list?—No.

2048. No local or economical motive?—There would not.

2049. Mr. *Bourke.*] You think that lodgers ought not to be obliged to claim every year?—I think that they ought not.

2050. Would you then make it necessary for an officer to go round, and find out whether the lodgers are in places where they purport to be from year to year?—I think that the registrar ought to be bound to do that.

2051. That should be a part of his duties?—Yes.

2052. In fact, you would make it a part of the duty of the registrar to see that the lodger is in his dwelling, although he is not rated just in the same way as the occupier of a house is there, although he is rated?—Yes.

2053. If you do not give that power to the registrar, do you think it would be desirable that lodgers should be from year to year put upon the register without a claim?—No; I think if you do not clothe the registrar with that power, the lodger should then claim every year, but that he should not be called upon to come to the court to support his claim unless objected to.

2054. Mr. *Dilke.*] A difficulty was raised just now with regard to the lodgers, as to the way it should be ascertained how much rent a lodger paid; whether he paid the 10 *l.* a year required by the Act: as a matter of fact, are not the rate collectors and other parish officers, and even the neighbours, perfectly aware, from the character of the street and the general character of the houses in it, pretty nearly, what amount of rent each lodger pays?—I should rather doubt that in some parts of London where the value must run very close.

2055. Only in cases where the value runs so close, that by a little error one way or the other no great injustice would be done?—Yes.

2056. *Chairman.*] Are you conversant with that decision which we heard of just now, and do you know how far it was observed generally that wherever the lodger took his meals with the owner of the house, that is to say, boarded there to any degree, he was decided not to be a lodger, whatever the value he paid for his rooms; were you aware that that had been a rule laid down?—I was not.

2057. Mr. *Dilke.*] With regard to the lodgers sending in a claim each year; if it were no longer necessary for a lodger to send in his claim each year, you are of opinion that it should be the registrar's duty to see that the list of the year before was still a fairly accurate one?—Yes.

2058. He would exercise that duty I suppose, and you would give him facilities for exercising that duty through the rate collectors?—Yes.

2059. The lodger claim, I believe, is a very strong one, is it not?—Yes.

2060. It bears not only the name of the lodger himself in three places, but it bears the witness to the lodger's signature, and also the signature of the landlord, or some other witness to the facts of the claim?—Yes.

2061. Therefore, it is the strongest claim known to our registration law?—Yes.

2062. Do you not think, therefore, it is so strong that it might be made *primâ facie* good?—I cannot think that it should be made a *primâ facie* good without an investigation by a registrar.

2063. I would qualify what I said, and say *primâ facie* good, subject to the registrar's general inspection?—Yes, decidedly,

2064. If it were not made absolutely *primâ facie* good, a very much less technical form of claim might be introduced for the lodger?—Yes.

2065. Would you see any objection to his merely verbally stating the facts of his claim at the registrar's office, or sending them in the form of a written letter?—I see no objection to his sending them in the form of a written letter, but I would not take a man's claim verbally.

2066. Not even where his statement might be taken down by the registrar while he was in the room?—Then I would make him sign it.

2067. You were asked a question as to the necessity of introducing fresh legislation with regard to appeals; if a registrar were appointed, would not the real appeal be from the registrar to the revising barrister, rather than from the revising barrister to the court?—There is no doubt that the substantial appeal would be to the revising barrister, but the revising barrister might take, what interested parties might hold to be, an erroneous view, and it is then I say he ought to be compelled to state a case.

2068. An appeal necessarily involves the interposition of agents, or of committees, rather than of individual voters on account of its expense; should you not therefore think that it should be discouraged rather than encouraged?—No; my opinion is, that the power of appeal should be absolute, because the very costs of which you speak would deter any man from taking an appeal up that he was not pretty well satisfied he would be able to carry.

2069. With regard to the difference of decision between barristers, even the metropolitan barristers give very widely different decisions with regard to the lodgers, do they not?—Yes.

2070. For instance, the barrister in Westminster on the first day of the sitting of his court, required that a deduction should be made from the lodger's rent, on account of some portion of the rates?—Yes.

2071. He changed that opinion on the second day in deference to the opinion of some other barristers?—Yes.

2072. There was a difference again, I think, between Southwark and the other boroughs, as to the amount of evidence necessary to support a lodger's claim?—I think it was Lambeth.

2073. There is one point upon which I should like to have your opinion, namely, as to the common form of occupier claim; there was no new claim for occupiers provided by the new Act, I believe?—No.

2074. As a matter of fact, is not the old claim inaccurate in the case of the new voters, occupiers of dwelling-houses under the new franchise, in the matter of the fourth column: the words are, "Where the right depends on property"?—No; that is correct. "Where the right depends on property," means the occupation of property as distinct from freemen.

2075. As a matter of fact, is not the fourth column with those words in brackets misleading in the highest degree to the new voters?—I do not think it is.

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2076. Do not inhabitant householders in boroughs, not being used to forms of claim, in reading this claim commonly refrain from filling up the fourth column, and not unnaturally refrain from filling it up?—That I do not know.

2077. You have not had that case brought before you?—I have not.

2078. *Chairman.*] Is it not the fact that, under the form for the reserved rights, it is stated that all persons other than the 10 *l.* occupiers are to be entered in that list?—Yes.

2079. So that if the Act were strictly followed, the whole of the inhabitant householders ought to be put in under the form of the rights reserved under the old Reform Act?—Yes.

2080. There being no form provided for the new inhabitant householders?—That is so.

2081. Mr. *Dilke.*] The case in which this form is used by the new inhabitant householder is where they have either been improperly omitted from the list, as almost the whole of the late compounders were omitted in nearly all the boroughs, and in cases where there was an inaccurracy in the spelling of their name, or in the number of their house, or some other inaccuracy, which required to be corrected by a form of claim?—Yes.

2082. You can take it from me that in some of the metropolitan boroughs the fourth column was left blank by a very large number of persons; in fact, by nearly all who acted for themselves and were not guided by an association?—I was not aware of that.

2083. With regard to the clerk to the assisment committee he is appointed, I believe, by the assessment committee of the board of guardians in places where he exists?—Yes.

2084. Might not some colour be given to a suggestion that he should be the registrar throughout the county, on account of the well-known fact, that boards of guardians are almost invariably composed of a Conservative majority?—If it be as you put it, there is no doubt that it would have that colour; I certainly was not aware that boards of guardians were so composed.

2085. You would, in general, not be more afraid of political considerations entering into the appointment of a registrar than they do at present into the appointment of the overseers?—Oh, dear, no, because the registrar would always be under public supervision as it were; if he valued his place at all, he could not afford to run crooked.

2086. Would you make him removeable, and if so, by whom?—I would make him removeable by the power that appointed him.

2087. That is to say, merely at will?—Yes.

Mr. Sumerset Job Hyam, called in; and Examined.

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2088. *Chairman.*] I BELIEVE you are Vestry Clerk at Spitalfields?—I am.

2089. That is in the Tower Hamlets?—In the Tower Hamlets.

2090. As vestry clerk you have, I believe, under the Vestry Clerk's Act, all the duties of the overseers placed upon you, have you not?—I have.

2091. And specifically the duty of preparing the register?—Yes.

2092. Therefore you are, in point of fact, a sort of statutory substitute for the overseers?—Precisely.

2093. Will you first of all tell us how, in your district, the valuation list for the assessment committee is made out?—Under the Union Assessment Committee Act, as in all other places, the overseers make out the valuation list; I make it out for the overseers; I really stand in the overseers' shoes in Spitalfields for all those duties.

2094. Then I understand that, practically speaking, we get back again to the overseers; the assessment list is really nothing more nor less than the overseers' list?—It is the overseers' list.

2095. Therefore, if we go to the clerk of the assessment committee, as I understand, we really do not get to any different authority for making out the list?—None whatever.

2096. The clerk of the assessment committee gets the list from the overseers?—From the overseers.

2097. Just as the overseers' list and the register is supplied by the overseers?—Precisely; they are nearly analogous, because with regard to the registration list it is revised by the revising barrister. With regard to the valuation list, that is revised by the assessment committee; but the point of their revision is not so much to look after the question of occupier or owner as to the question of value, the point of that valuation list to them being that all the parishes and all the properties in the union are equally assessed, in order that they may all pay equally towards the union charges.

2098. As I understand, as regards the occupiers' column, that really in the valuation list is in the charge of the overseers?—Yes.

2099. And the assessment committee, at present at all events, trouble themselves very little about that?—Very little, indeed.

2100. What they have to look after is the value?—Yes.

2101. So that the valuation list of the assessment committee would not be a very great improvement, at present at all events, on the overseers' list which they supply from the register?—On the contrary, it seems to me that you would be far worse off by going to that, for this reason: in my union, for instance, a valuation list has not been made out now for some four years, and by the Bill now before the House it is proposed that a new valuation list should be made out once in three years. That is the Bill now before the House.

2102. Mr. *Hill.*] With the power of making supplemental lists?—With the power of making supplemental lists, of course. In a large majority of instances, and I think it is almost the general rule throughout the country, you have a quarterly rate-book; certainly in London the majority of the rates are made quarterly, except in one or two large parishes, where they make them yearly and collect them quarterly. In those cases it comes back to the same thing, that they test the occupiers quarterly.

2103. *Chairman.*] As far as London is concerned the rate-book would be a more accurate representation of the occupiers than the valuation list to the assessment committee?—I certainly should say so.

2104. Mr. *Collins.*] How many parishes are there in the Spitalfields Union?—In Whitechapel Union there are nine parishes; Spitalfields is one of them.

2105. Are

2105. Are there any of those parishes where, nce the abolition of compounding, they collect ie rates from the owner?—Yes; the mode we lopt in Spitalfields is this: the rate collector akes out an account of each landlord's houses id sends it to him, asking whether he will pay whether he shall go to each tenant. We find most instances the landlord will pay, but when pays the instruction to the collector is, "Get the ndlord to revise all his tenants' names with you"; id the collectors once a quarter correct their te-book according to that revision.

2106. In what you furnish to the assessment mmittee you furnish the names of the occu- ing tenants whom you get once a quarter; how ten do you furnish them?—They have not had now for nearly five years.

2107. Is that in the Whitechapel union?—es.

2108. Do you know places in the neighbour- od of London where supplemental lists are not ade year by year?—I do.

2109. Can you give us any instances of that? -Perhaps it would be invidious to mention the me of any particular union.

2110. Do you mean that near London, where ere is more improvement going on than any- here else, in such places as Caterham and ewisham, they have allowed property to go rated for one or two years; can you give me a ngle instance in the neighbourhood of London here there has not been a supplemental list ade?—A supplemental list is made for new operty.

2111. Do you know any instances where there no supplemental list whatever made out in y union within 20 miles of London?—No sup- emental list is made touching the names of the cupiers of old property.

2112. *Chairman.*] A supplemental list would t touch the change of occupiers in old pro- rty?—Certainly it would not; a supplemental t would be sent in supposing a man built a house here there had been no house before; where ere is a change in the property that would be in e supplemental list.

2113. Mr. *Collins.*] Would there be any diffi- lty in the overseers supplying the union clerk ith the rate-book, and with the list of all the rsons made out during the twelve months evious?—No, except if they had the extra labour ey ought to have the extra payment for it.

2114. There would be no difficulty but that? m not aware of any, except that it would be a ltiplication of books which I think would swer very little purpose.

2115. Supposing a man had migrated from e part of the union to another part, would not is public officer then be able to follow him on e list, and so retain his name upon the burgess t though he changed his qualification?—With gard to the burgess list I could not speak.

2116. If a man had gone from Spitalfields to other place in the same union, the clerk to the ion would find that this was the same man and ould place him on for successive occupation?— e would simply know that the same name had anged its position, he would not know it was e same man unless he sent to inquire.

2117. *Chairman.*] After all, all these obliga- ns would be nothing more than now is incum- nt upon the overseer; that is, the overseer is w bound in law to fill up the occupiers' column? In the rate-book, no doubt.

2118. Mr. *Collins.*] He would make it incumbent on the union officer to see that the overseers did their duty, and filled up the occupiers' column? —You could not under the present Union Assessment Act.

2119. There would be no difficulty in law?—No; you can compel the overseer to return every change of occupier as well as every increase in value; you can do it, I mean, for the purposes of the valuation list, by calling for a new valuation list.

2120. If he had some superintendent whose duty it was to look after him, would you think that he would be more likely to do his duty than with vague penalties of fine and imprisonment? —The obligation on my own part is, that if I do not do my duty, I run the risk of losing my situation, it being part of my duty to see that the books are properly kept.

2121. In Whitechapel, you have a correct list of the occupiers from time to time?—Yes; ours is corrected quarter by quarter.

2122. You could make out from the occupiers' list a complete register?—Yes. With regard to the lodgers' claims it seems to me that there would be no objection to a lodger claiming the franchise in the same manner as a person now goes to register the birth of a child. I am Registrar of Births and Deaths, and it seems to me that there would be no more difficulty in a lodger coming to me and giving me his name and address, and the necessary particulars, and signing it, than there is in a person coming now to register the birth of a child.

2123. *Chairman.*] Do you make any inquiries when you register the birth of a child?—No.

2124. There may not be any child at all?—There may not; that is a great defect in the law, unquestionably.

2125. If it is necessary for any particular purpose that a person should have a child, he can have it by going to you and registering an alleged birth?—Yes.

2126. Mr. *Collins.*] And he might have a vote in the same manner?—Yes, if inquiry is not made. A case occurs to me where a man in the neighbourhood of London registered an alleged death, and buried a coffin filled with stones. The man was prosecuted for it; the point being that a person making a false statement for the purpose of registration, is liable to the penalties of perjury. A lodger's claim made as I suggest should be subject to inquiry, of course, and to a like penalty.

2127. Mr. *Morley.*] You have no new property in Spitalfields, I should think?—Yes; we have Commercial-street; that is still partly unbuilt upon.

2128. When that was first built upon, I presume, immediate attention was paid to an increase of the assessment list?—No doubt.

2129. You are aware that in the districts, such as you were referred to by the honourable Member on the other side, as, for instance, the great Hackney district, where thousands of houses have been built in the last few years, each year there has been a special visitation by the assessment committee?—Yes, there would be to the new property, but not to interfere with the names of the occupiers of the old property.

2130. I think you have conveyed the idea that there has been, I may call it, neglect of that practice in some districts?—No; the idea I want to convey is, that unless there is some new property

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perty built there is no supplemental list sent in; but that, if sent in, would not correct the names of the occupiers or of the owners in an old valuation list.

2131. *Chairman.*] Do you know that anybody may under the Act require a new valuation besides the supplemental list?—I was not aware that anyone could. The assessment committee can call for one. The assessment committee make the order, but they may do it upon the action of a ratepayer.

2132. Mr. *Candlish.*] Would there be any more difficulty in the overseers supplying any other person with their valuation list than the clerk to the assessment committee?—No, it would be simply multiplying the copies.

2133. Would it not be practicable to give any registration officer free access at convenient and specific times to the rate-book?—In many places it would be very awkward.

2134. There is a right of access now?—There is.

2135. It could be made to work conveniently and smoothly to all parties?—It could be done; but the provision should be made for its being done at seasonable and reasonable time.

2136. In point of fact, any person could as conveniently and as cheaply make out a register of votes as the clerk to the assessment committee?—Yes, any person having access to the rate-books could do it.

2137. The collection is under the superintendence of the overseers?—Yes.

2138–9. The collectors work by their direction?—They do.

2140. In no case has the assessment committee any control or superintendence over the collection?—None whatever.

2141. *Chairman.*] Have the assessment committee no authority over the overseers?—None, beyond calling for the valuation lists.

2142. Mr. *Collins.*] The assistant overseer is appointed by the overseer, subject to the ratification of the board of guardians?—No; he may be appointed under the 59 Geo. 3 by the magistrates, having been first elected by the parish.

2143. His appointment has to be confirmed by the board of guardians?—Not in all cases.

2144. Mr. *Dilke.*] You said at the beginning of your examination that practically, you made out the lists for your parish?—I do.

2145. Do you, or do the overseers sign those lists?—The overseers.

2146. Therefore, they nominally make themselves responsible by signing them?—Yes, no doubt.

2147. Did you manage to get all or the greater part of your late compounders on to the register in your parish?—All of them.

2148. You are aware that in many of the London parishes they got none at all on?—I am not aware of that.

2149. There are many where they got none at all on, and there are many where it is notorious that they got but few; are you not aware of that?—I am not aware that there is any parish in which they omitted the compounder's names from the list.

2150. Your parish then, is a parish with a local Act, is it?—Yes.

2151. Are you aware whether there is not in almost every metropolitan borough, a parish with a local Act?—I should think that nearly all the London parishes have local Acts.

2152. Under those local Acts, as far as you know, do the vestries or the guardians, in most instances, appoint the assessment committees?—Where there is an assessment committee, it is necessarily appointed by the guardians.

2153. You are speaking of union assessment, I am speaking of separate parishes?—The distinction is this. In many of the London parishes the vestries make all the rates, therefore they appoint a committee of the vestry, which is called a survey committee, to fix the value of the property, which is an entirely independent operation to that which is taken under the Union Assessment Committee Act.

2154. I was referring especially to separate parishes: the greater portion of the metropolis is still in separate parishes, and not in unions?—Yes, principally the parishes in schedule A of the Metropolis Management Act. In Shoreditch they are in schedule A. The vestry makes all the rates. There is no union assessment committee but a survey committee appointed by the vestry.

2155. Therefore, as far as London is concerned and the metropolitan boroughs generally, can you conceive there would be any improvement over the present system in making the clerks to the union assessment committees and similar offices in the separate parishes act instead of the vestry clerks?—No, I think it would make confusion more confounded.

2156. Therefore, unless we could amend the present system in London in a better way than that, you would prefer not changing it at all?—Certainly. Under present circumstances, where the overseers do not do it the vestries do it, and if you appoint an assessment committee you appoint another body to do what the vestry or the overseers already do, so that the thing would be done twice over.

Mr. JOHN WALKER MAYSON; called in, and Examined.

Mr. *J. W. Mayson.*

2157. *Chairman.*] WILL you tell us shortly what your practice is at Tynemouth with reference to the assessment list?—The overseers make out the list and deliver it to the clerk of the assessment committee. They adjust it as far as valuation goes. For instance, in the borough of Tynemouth, which is composed of several townships, they have only valued and adjusted the country districts, the collieries, and the manufactories, and they have not touched the houses in the town at all.

2158. Would the assessment list in Tynemouth give you the names of the occupiers in the town?—No, because it has not been made yet; they have never made it; it is only part of the district that has been assessed.

2159. How long has it been in operation?—I do not know that, exactly; but I know it has not been made out. I have been chairman for many years of the corporation.

2160. How long has the assessment committee been sitting?—I do not know that, but I know that it has been sitting for two or three years.

Mr. THOMAS HAMER, called in; and Examined.

2161. *Chairman.*] WHERE do you reside?—At the Swan Brewery, Walham Green.

2162. You were, I believe, omitted from the last list of voters, were you not?—I was.

2163. Tell us how that came about?—It came about in this way; I did not quite understand the manner of filling up the form.

2164. Mr. *Dilke.*] How were you first omitted from the list?—I was omitted by the vestry clerk; he omitted to put my name on the register. On the list being published on the church doors I, of course, looked over it to see if my name was there; finding that it was not there, I made an application; I had a great deal of trouble, I could not get it through, except I went to a gentleman at Chelsea, who was kind enough to furnish me with a form such as he had; I deposited my application with the vestry clerk for the overseers; there was a slight informality in it, which prevented my coming upon the register.

2165. *Chairman.*] Did you see the vestry clerk?—No, not then, I deposited it in the letter box, I think; if not, with the servant.

2166. That was the form of claim you sent in, was it (*handing the same to the Witness*)?—Yes; this is the form of claim I was supplied with.

2167. I see you did not fill up the fourth column: why did you not do that?—For this reason: it says, "where the right depends on property"; I concluded from that, that it referred to a person who owned property, and I thought that I being merely an occupier, it was not necessary to fill it up, inasmuch, as I did not own it.

2168. Were you originally what is called a "compound householder"; that is, did your landlord pay the rates?—He did when I took the house.

2169. Do you know whether your name was on the rate-book?—Not before the Reform Act came into force.

2170. I mean, was your name on the rate-book when the overseer's list was made out?—Yes; because I had paid my rates before then.

2171. How do you know that it was there; did you ascertain it?—Simply from the rate collector calling for my rates, I concluded my name was on the book.

2172. I ask you whether you know that your name was on the rate-book?—Only from that fact; I did not see it there.

2173. Do you not conclude, from the fact that your name was left out of the vestry clerk's list, that your name was not on the rate-book?—Will you allow me to explain? I was one among six tenants who paid the full rates. The magistrates in some of the other instances of my neighbours allowed them a third, which is the same as the landlord had previously paid, and those who were allowed anything off the rates were not put on the overseers' list, and I being amongst these was the excuse of the vestry clerk for omitting my name, it being among the others who had accepted a compound.

2174. What I understand you to say is, that where the same allowance was made to the tenants that had before been made to the owner, their names were left off?—Yes, precisely, that is the fact.

2175. Your name was left off among the rest?—Among the rest.

2176. Were you one of the Working Men's Association at the time of the last election?—Yes, I was.

2177. You became conversant then with the case of the lodger's, did you?—Yes, to a very considerable extent.

2178. Did you find that there was great difficulty in getting the lodgers on to the list?—Yes, there was indeed; in fact it was so difficult that we could not get them there, and did get but few, considering the number who were entitled to be there.

2179. I understand you are an occupier of a separate tenement, that is, you are not a lodger?—Not now, and I have not been for the last five or six years.

2180. You are probably married?—I am.

2181. Was the case, with reference to the lodgers in London, felt as a great hardship by the men?—It was, so far as I am acquainted with the lodgers; I do not know much about the other parts of London.

2182. I am speaking of the part with which you are acquainted?—Yes, it was.

2183. Did you yourself take an active part in the registration?—I did; of course I get my living by daily work; I was engaged in my leisure time from about August up to the time the revising barrister's court was closed; in fact, during the whole summer it was on the carpet.

2184. What did you find was the great difficulty with reference to the lodgers?—One thing was that none of the lodgers would have known anything about it if it had not been for the interest taken in it by a few working men, assisted by gentlemen with subscriptions, who brought it before their notice, and published it on bills about the walls and in shop windows and so forth.

2185. There was, first of all, the want of knowledge of the new qualification; when they did come to know it was there much difficulty in the way of establishing their claims?—When they were supplied with the claims which our association got out, I do not think one out of ten hardly knew how to fill it up.

2186. Do you mean it was too complicated in its form?—Yes, and troublesome; it is a very troublesome affair. The Committee, perhaps, are not acquainted with the difficulties working people have to contend with in that way. It is a very troublesome matter. I do not think, generally speaking, if the lodgers were left to themselves one in ten would fill it up correctly so that the revising barrister would pass it.

2187. Do you think if there was a registering officer he would have any difficulty in investigating the claims of lodgers so as to satisfy himself who were and who were not qualified?—Do you mean if that were his special duty?

2188. Is there any difficulty in the character of a lodger's occupation that would prevent a registrar from ascertaining whether he had a proper title?—I do not think there would be the least difficulty.

2189. Do you think he would have any practical difficulty in ascertaining what his rent was, and who had and who had not a qualification?—I never found any difficulty when I went to inquire, and I do not think an officer would have any more than I had; I went to a great many houses. I am secretary to a friendly society, and

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am acquainted with a large number of working people; I never found any difficulty whatever.

2190. I suppose the necessity of personal attendance on the part of the working men at the revising barrister's court is in itself a great hardship?—It is a very great hardship, inasmuch as they will not go, and the revising barrister at Chelsea would not accept any evidence except that of the man or his wife; women do not like to go there, and you cannot get them to go there.

2191. They have something else to do?—Independent of their being engaged in other ways they do not like to go there; in fact they are afraid and nervous, and you cannot get women to go.

2192. In your opinion were a number of the persons who claimed, persons really entitled, but who did not get their votes because of the inconvenience of attendance?—I will venture to say scores of them.

2193. Mr. *Morley.*] Do you think it would be at all right that everything should be done for the working man in connection with his vote?—No, but I do think this, that if Parliament has decided that a man is a fit and proper person to exercise the franchise, Parliament ought to allow him to come upon the register in as easy and as simple a way as it is possible for him to come there. I do not mean to say that he should be taken care of like a child.

2194. You would say there should be some act performed by him, that he should be compelled to show some slight degree of interest in the possession of the vote by signing something or by applying for the vote?—I think that if a man takes the trouble to send his rent-book and to get his landlord to sign it for him, or if his landlord happens to be of a different opinion to himself, that one of his neighbours who is a householder should be allowed to do so; and if it is duly certified by his landlord or by a respectable householder, I think that ought to be held sufficient for a working man.

2195. There is often fraud committed in connection with such a facility as that; would you say that there ought to be some punishment for a fraudulent representation; otherwise, a rent book might be made up, or a receipt written out, for the purpose?—It is possible that such a thing might be.

2196. Would you say that, inasmuch as it is a crime for a man to do that, he ought to be punished if he does it?—Unquestionably; any man who would make a false declaration of that kind ought to be punished; there is this to be said: that it is a very hard matter for working people to leave their work. If it could be done without causing them the loss of a day's work, or necessitating their wives going and attending for them, it would be a great advantage to them, and would be the means of a great number getting on the register.

2197. Mr. *Dilke.*] With regard to a case which you remember having occurred in the revising court at Kensington, where two forms of claim had been in use in the borough of Chelsea and in the borough of Westminster during the last revision, one of the Reform League, and the other being the ordinary form of claim provided in the schedule of the Act, your claims only had the signature in two places, instead of three; it differed from the other claim merely in that?—Yes.

2198. Do you remember those claims being allowed only after a considerable discussion at Kensington?—No, I do not; I was not at Kensington.

2199. Was it not the case that the men were willing to take the trouble of attending at the revising courts, but were able to go only at their dinner hours, in consequence of the courts not sitting in the evening?—Yes.

2200. And that commonly, when as many as 100 men would be attending in court at once, arguments would then be raised upon points of law, by which all those men who had taken the trouble to attend were sent away about their business?—Yes; I witnessed that on several occasions.

2201. Mr. *Morley.*] Would you consider that a custom, which should be regarded as imperative in any district where there were large bodies of workmen, for the court to sit in the evening would be regarded as a great accommodation?—I was thinking, that if a man were allowed to send in a claim attested by his landlord or a householder, that would do away with the necessity of his attendance altogether; but in case of that not being done it would be a very great convenience to allow him to be there after working hours. If it could be taken in the evening you would have thousands there who would never come in the day-time.

2202. Mr. *Dilke.*] As a matter of fact, if the lodgers were objected to only by notice, as occupiers on the list are objected to, then very few objections would probably be made to lodgers who were really entitled?—I think so; I never knew one to be objected to who was entitled to vote.

MR. WILLIAM CREMER, called in; and Examined.

Mr. *W. Cremer.*

2203. *Chairman.*] YOU, as most of us know, have taken a good deal of interest in political subjects, and especially in this question of registration?—Yes.

2204. I forget what exactly is the proper title of the political association which you represent?—I am the chairman of the Marylebone Electoral Reform Association.

2205. You and the gentlemen you are associated with have interested themselves a good deal in the subject of registration?—Yes.

2206. Are you dissatisfied with the existing facilities which are given to voters to get on the register?—Very much so.

2207. What do you find to be the inconvenience of the present system?—The difficulties we found in connection, more particularly with the registration of voters, and it is more particularly on that point that I should wish to give my evidence, were these; that we find it very difficult to acquaint lodgers, in so large a borough as the one in which I reside, with the fact that they must go through certain forms to enable them to get on the register at all. You know the size of the borough, it is a very difficult thing to acquaint working men with the fact that certain things are to be done, and to supply them with forms necessary for the purpose, and then to instruct them how to do it. It is a very expensive system, and one which we, as working men, cannot possibly afford; I think it cost us something like 300 *l.* last year to get about 5,400 lodgers on the register.

2208. Was that done through your association?—It

was done through our association; through e instrumentality of the working men there, it of course, not with the working men's funds. e had to appeal to friends outside, which we ere very sorry for, but which is almost a cessity now.

2209. Will you give the Committee some idea what are the class of persons who constitute dgers in London; are they artisans?—Mainly.

2210. What sort of wages, putting the lowest ass of wages, would probably enable a man to e in a lodging, and give him a qualification?—do not think, as a rule, a man would be likely be qualified as a lodger, unless he were in ceipt of something like an average wage of 24 *s.* 25 *s.* per week.

2211. Then he would probably be a single an?—No, there are a great many married men no live in apartments, who pay a sufficient nount of rent to qualify them as lodgers, who ceive no greater wage than that. There are a ry few single men who are qualified to vote, cause, as a rule, they occupy furnished apartents, and they would have to pay rather a high nt to qualify them, because it must be 10 *l.* ear of all deductions.

2212. Would their furnished apartments not me to more than 10 *l.* a-year?—According to e Act, a room, if let unfurnished, must be of e annual rental of 10 *l.*

2213. When you had succeeded in making own to those people what they had to do, did u find that there was considerable difficulty in tting it done properly?—Yes; the revising rrister in the court of Marylebone was so exedingly strict that if the signature of either the tness or the lodger were one-eighth of an inch t of the line prescribed for it by the schedule, disqualified them from their position as voters, d struck them off.

2214. Though the name was properly written? Though the name was properly written, beuse it did not happen to be on a particular line, on the particular part which he said was preribed in the form in the schedule. He cast it one side, and they were disqualified in conseuence. We found a difficulty as to the signare appearing three times, and altogether it was very cumbrous thing. The difficulty was in the tting a case for the Common Pleas. I exerted yself in that direction before the revising barris-r, but he did not choose to grant us a case, and he will not grant it you cannot go on with it.

2215. Did you apply for a case which he reused?—Not on that score, but on another score hich I will point out presently.

2216. Perhaps you will point it out now?—efore I do that will you allow me to say, that in ference to the rent-book which it occurs to me d to my friends would be pretty good proof, der ordinary circumstances, of qualification, the vising barrister in the Marylebone court altother refused to accept it as evidence. I saw a se of a man named Morgan, who brought his nt-book there, whose landlord was not properly scribed, the revising barrister refused to pass s claim, but allowed it to stand over until the ter part of the day. Morgan left the court to t his landlord to come if possible, but he could t find him, he had gone out of town; he brought s rent-book properly authenticated by the signare of his landlord, I knew he had been in the use, and was ready to make oath that he had en there for five years, but the revising barrister 0.43.

refused to receive the rent-book as evidence, or my statement given on oath, if necessary, that Morgan had been there for five years, and was a *bonâ fide* lodger.

2217. I understand you to say that no lodger can get his vote unless both he is present and his landlord to support his vote?—It was so ruled by the revising barrister at Marylebone in the first instance, but he waived some of his views in respect of that matter, and allowed gentlemen, who were present and prepared to make oath that they knew the persons to be *bonâ fide*, to do so. He sometimes allowed the claim to pass, but he seemed to have no definite rule to guide him at all.

2218. In point of fact, that would really defeat the lodgers' vote?—Quite so.

2219. You could not expect the landlord to remain there to prove for all his tenants?—No; the difficulty is that working men do not know the exact day on which their claim is coming forward. I knew an instance where a man held very strong political views, and it is only a few who do hold such views, and who wasted two days in attending the court, expecting that the case would come on on the first day; but it did not come on until the second day, which is a very great hardship.

2220. How many lodgers did you get on?—I think something over 5,000.

2221. Do you remember how many claims you made?—Over 6,000, I know; I cannot tell you the exact number now, but I shall be willing to supply the Committee with it.

2222. Did a great number of the claims fail from persons not being able to attend?—Yes; a very great many of them, and a great many failed, because the signatures were as I stated, and because the landlords were not properly described. That, as it occurred to us, was a great hardship. If you notice the schedule, a great majority of the people do not understand what personal description of the landlord means. In one instance it was put, "a tall, fat man," and another one was described as a person with a pimple on his face.

2223. That was considered inaccurate in law?—Yes; that was the case in which I asked the revising barrister to allow us a case for the Common Pleas with reference to the personal description of the landlord.

2224. What did he rule?—He took some half-hour to consider it, and eventually refused to allow us a case.

2225. What was the decision against which you wanted to appeal?—He struck off several of our claims because the personal description of the landlord was not complete. We argued with him that if the words had been "occupation, profession, or calling" of the landlord, the thing would have been as clear as day; we never for one moment imagined that Parliament would wish the claimant to be struck off whose *bona fides* could be proved, simply because the description of the landlord was faulty. He certainly allowed us to amend if we could get hold of the landlord, and run about half over the borough during the few hours that he allowed us to amend the forms which were faulty in that respect.

2226. Practically, you consider that the obstacles are so great as to prevent the lodgers, even those willing to do so, from getting on with proper facility?—It is the veriest farce imaginable now to impose such a penalty upon a work-

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ing man's association in a borough, as the spending of from 200 *l.* to 300 *l.* in registration, when they have a difficulty in raising two or three hundred pence for the purpose.

2227. What have you to suggest, from your experience, as the best method of dealing with the case of lodgers?—Some two or three months ago, we held a conference, which was convened by our association, and which was attended by representatives from the Chelsea Working Man's Association, and a similar body in Lambeth, and, I think, a few from the Tower Hamlets. We laid down some propositions there which were almost revolutionary, at least in this respect. We proposed to pursue the same course as is pursued in the census, that overseers, or whoever should be appointed in boroughs for the purpose, whoever should have power to attend to questions of registration, should be compelled to leave at every house in the borough, at certain times of the year, papers which shall be filled up by the landlord or the occupier, and that the landlord or the occupier should be held responsible for the *bona fides* of all the persons dwelling there: that he should state how long they have resided there, and, if it is necessary, what is the rent they pay. That the overseers should take the lists they have collected from the owners or occupiers, and the registers should be made up from these lists. You then hold the overseers and occupiers, or landlords of the dwelling responsible for the *bona fides* of voters. We propose to give every facility to men to get on the register, rather than to pursue the course that is now pursued, of placing every obstacle in the way of their getting on the register.

2228. First of all, how do you propose that this is to be done; the overseer is to deliver forms to the landlords, and every householder and occupier; suppose the landlord does not give himself the trouble to fill up his list?—We propose a penalty; there is I believe a penalty imposed on landlords or occupiers for refusing to fill up the census papers properly; I do not think there is much trouble; we could not learn that there was any great deal of trouble experienced in the census returns, or that they are generally faulty.

2229. Mr. *Collins.*] Have you any idea what the cost of the census was?—I do not think it would be fair to imagine that our system would be as costly as the census, because we have the machinery already in existence; in boroughs for instance, why not employ the police to distribute and collect these papers; it would be simply the expense of the papers themselves, because there is the machinery provided; then again there is the Post Office.

2230. Suppose the Post Office people, or the police do these things, it must occupy a part of their time?—A part of their time would be absorbed, but a very little extra expense would be incurred.

2231. *Chairman.*] How do you propose to punish the landlord?—To fine him; we could not learn that the returns on the census papers were faulty; we made some inquiries.

2232. It is no part of the duty of the landlord to enfranchise his tenant, is it?—I do not know that it is his duty to enfranchise his tenant; but if the law calls on him to give an account of the tenant, and to say whether he possesses certain qualifications, I do not know why he should refuse; it is a very simple thing in itself.

2233. What else have you to suggest besides the making the return through the landlord?—We also propose to abolish the revising barristers' courts, which would to some extent be a set-off because they are very expensive and cumbrous in their action. If you abolish revising barristers' courts you would save all that expense to the country, and that would be some set-off to the expense incurred in delivering and collecting these documents.

2234. With whom would you propose to rest the decision of the validity of the claim?—We propose that the landlords and overseers shall be responsible; that after the lists have been made up from the documents they shall be publicly exposed at every church, chapel, police station, school, and post office in the district. Pardon me for saying that the system of exposing lists of voters is, I think, very defective now. It generally happens that they are exposed on a chapel or church wall, which is often 15 or 20 feet removed from the pavement, and the gates being closed, it is simply impossible that any voter can ascertain, except on Sunday morning when people are supposed to be thinking of something else, whether his name is on the register. I think the post office seems to supply the best place.

2235. Supposing a man is improperly placed on the list or improperly excluded, what would you propose to do then?—We propose that these lists shall be exposed for 28 days after they have been first made out by the overseer from the papers so collected. In the meantime, of course, any man who knows he is qualified can ascertain by examining the list whether he has been placed on that register, and if he has not, then we propose, by simply making an affirmation that he is qualified, that the overseers shall be compelled to place him on the register. In case of an act of fraud being committed, we think a penalty should be imposed on the man, that any elector, in fact, may summon him before a magistrate, and that he may be summarily dealt with for making a fraudulent claim.

2236. Mr. *Collins.*] Suppose he honestly makes a claim which he believes to be correct, and which is bad in law?—I think those cases are the rare exception.

2237. *Chairman.*] You practically mean to make a man's affirmation the proof of his qualification?—Quite so. I believe that is done in the States, where the registration courts are open. Any man can come in and make an affirmation that he is a qualified elector, and the officer has to put him on the register; that is accepted as proof of qualification.

2238. It seems to me it is almost superfluous that he should go through that form; why should he not go up to the polling booth, and say, "I affirm that I am qualified to vote, and I propose to vote"; does it not really amount to saying that you shall have no qualification at all?—I am not clear that it does; I do not see it. The difficulty in making a claim at the polling booth would be the amount of time occupied in making the affirmation.

2239. You would propose that there should be no investigation whatever of the propriety of foundation of a man's claim except his own affirmation?—An investigation takes place now, and it does not very often bring to light that there are a great many men whose names are kept on the register who are not qualified. The cases which th

he Hon. Member stated exist even under present circumstances; there are names kept on the egister, even females, and if there are of females t is well known there are of males.

2240. You have a means, if you choose, of esting the propriety of a man's vote; but accordng to your plan, as far as I understand it, you vould altogether abandon the right of testing a nan's vote?—Yes; we propose to abandon that ecause you give to every elector the power to unish summarily any man who has got on the egister by fraudulent representations.

2241. Mr. *Dilke.*] Supposing it was not inended to go to the extent, at all events, at present, f fining landlords for not giving the particulars s to the occupiers, would it not be a great imrovement on the present system that, if lodgers re still to continue to claim, forms of claim should e left by the rate collector at all the houses in ach borough?—A very great improvement indeed, and even without going so far as that, if acilities were given to lodgers to get proper orms, and the forms were simplified much more han they are at present, that would be a great nprovement.

2242. Might it not be provided, without any ost whatever, that that should be done which is lready done in one or two parishes, viz., that orms of claim should be provided at the expense f the parish, and left at the vestry-hall and the ffice of the board of guardians?—Yes, and the ost office. It seems to me that the post office ives a great facility; that would be an immense nprovement on the present state of things, especially if the form itself were simplified, so hat no man could lose his vote by such a quibble s the name being an eighth of an inch out of the ght place.

2243. You are aware, perhaps, that rate collectors have found time, in going their rounds for ollecting the rates, to canvass for various candidates?—Yes.

2244. That being the case they could no doubt nd time in passing to leave forms of claim at very house they visited?—That would apply lso to the system we propose.

2245. I am arguing from the point of view hat there will be an indisposition to adopt a ystem which would be so costly, but a system etween that and the present system might more robably be adopted?—Yes, your plan would be an immense improvement on the existing order of things.

2246. *Chairman.*] In point of fact, at present is not the rate-collector bound to send a notice to everybody that if they have not paid their rates they will not have their vote?—Yes.

2247. He might leave a claim at the same time?—Yes; I think if you examine into the system, we propose you will find that the more it is examined the less costly it appears, and the more efficient it becomes; we proposed that the landlord should fill this up, because we thought that the country and the constituencies generally would accept the landlords statement as more authentic than as if the lodger himself, as Mr. Dilke suggests, should fill up the form.

2248. Mr. *Morley.*] Do not you think that a man who has to exercise a vote, if he has any heart in it at all, should be willing, at least, to sign his name; would you have everything done for him?—No; but at the same time we think that you ought to give as great facility for the purpose of registration as you do for the payment of taxes, and as you kindly call for taxes, we do not know why you should not call for men's votes.

2249. *Chairman.*] Do you not think there would be some disadvantage in reference to the independence of the working man in making the form of application for his vote to depend on his landlord?—We have no objection to make it so that the signature should be appended by the lodger; the only thing is, we thought if the landlord himself attested the genuineness of the names, they would be more likely to be *bonâ fide.*

2250. Mr. *Dilke.*] To go back for one moment to my own half measure, might it not be required not only that forms of claims should be left at every house, but in addition, that any householder wilfully withholding these claims with intent that they should not reach the lodger, and that the lodger should not be put on the register, should be subject to certain penalties; that is, putting the penalty conversely, not that he should be liable to a penalty if he did not do it without a motive, but that if motive could be proved in such cases, there should be a penalty?—Yes.

2251. That at all events would be a more moderate measure?—Yes.

Tuesday, 4th May 1869.

MEMBERS PRESENT:

Mr. Bourke.
Mr. Candlish.
Mr. Collins.
Mr. Dilke.
Mr. Harcourt.
Mr. Hill.
Mr. Hodgkinson.
Mr. Morley.
Mr. Rathbone.
Viscount Sandon.
Mr. Wheelhouse.

W. VERNON HARCOURT, Esq., IN THE CHAIR.

Mr. EDMUND TAYLOR, called in; and Examined.

Mr. *E. Taylor.*
4 May 1869.

2252. Viscount *Sandon.*] I BELIEVE you are a member of a firm very largely interested in the American trade?—I am.

2253. You have, I believe, long taken very great interest in political affairs in Liverpool?—I have.

2254. You have, I think, seen some suggestions which have been drawn up with regard to the subject into which we are inquiring?—I have.

2255. As a man of experience, I may ask your opinion with regard to the overseers' list; do you consider it an imperfect document, omitting many names which ought to be there, and inserting many which ought not to be there?—I do not; there are no doubt some omissions, but as a whole it is wonderfully correct.

2256. That is your opinion from your very long experience in these matters?—It is; the great evil has been that the time for preparing the list is so very short, and the errors are such that the overseers have no time to correct them.

2257. Do you think such imperfections as there are, which you think are not very serious, are to be attributed at all to the unfitness of the persons who make out the lists?—No.

2258. What is your opinion of the qualifications of the persons who make out the lists?—I consider that in Liverpool the parties who make out the lists are well qualified to do it.

2259. With regard to the materials on which these persons have to work, do you think there is any great inaccuracy?—No, not with the rate collectors' books, which they really do make the basis of the register.

2260. In that case it is hardly your opinion that the overseers are unfit persons to rely upon in the formation of the basis of the register?—I think we could not employ any parties who could do it so well.

2261. You do not think that they are wanting in special knowledge of the theory and practice of election law?—No; there is no theory now since the law has defined that it is simply a rate-paying qualification, and therefore they have all the materials in the rate book, and the rate collectors' books.

2262. With regard to the way in which they are paid; do you think that their being to such a great extent unpaid officials, prevents them from having any inducement to take pains with regard to the register?—I believe if they were paid they would devote more time to it, and they would be inclined to employ some extra assistants, and therefore we should have a very correct register if it were coupled with a fine payable to the party compelled to attend court through their neglect of duty. At present the barristers award such a trifling amount for the making of the lists in Liverpool, that really extra assistants cannot be employed.

2263. What is the payment that is made to them?—In Liverpool the net amount that came to the overseers for the making of the lists was 117 *l.* 2 *s.*, with a register of 39,639 voters.

2264. Mr. *Dilke.*] Including printing?—That was the net amount; I could tell you the exact amount that was allowed.

2265. Is it a uniform payment?—No, it is very much at the discretion of the barrister; I have here the correct amount. The total amount allowed by the barrister last year was 817 *l.* 11 *s.* 2 *d.*, of which 575 *l.* 2 *s.* 5 *d.* was paid to the Corporation for printing, and the net amount that came back to the overseers for their labours was 117 *l.* 2 *s.*, of which the officials of the parish of Liverpool got nothing, because they made no application.

2266. *Chairman.*] Are you speaking of the whole borough of Liverpool, or the parish of Liverpool?—The borough of Liverpool.

2267. Viscount *Sandon.*] Amongst how many is that sum divided?—Taking the whole borough there is one superintendent registrar, six vestry clerks or assistant overseers, and 23 collectors; I believe, in Everton, one of the rate collectors got something like 3 *l.* for his labour.

2268. In fact, the payment is trifling?—It is indeed, one may say, nothing.

2269. You would imagine that the work though you consider it on the whole well done at present, would be very much better done if they were properly paid for it?—Yes.

2270. Do you think they are already overworked, or that if they were properly paid, the Parliamentary business would not be too much

for them?—Not if a little extra time were given them for preparing the lists after the date of the qualification.

2271. As a matter of fact, is the duty delegated to the rate collectors?—It is, with the supervision of the assistant overseers.

2272. Is it the fact that the overseers' list is made out from the occupiers' column in the rate book?—It is.

2273. Is it or is it not a fact in Liverpool, that where by agreement the rates are paid by the landlord, the names of the occupiers are frequently omitted altogether, or insufficiently entered in the occupiers' column?—Not at present. Under the old system of compounding, the occupier's name was not properly inserted, but now the receipts for the rates are made out in the names of the occupiers, even where the landlord pays the rates.

2274. So that the occupiers' names are not omitted?—The occupiers' names are not omitted now. I should explain, that last year the occupiers' names had been omitted in some parts of the township in the previous year, and therefore last year the officers had no data to check the actual residence of the parties, and they omitted their names, but it will not arise again.

2275. *Chairman.*] As I gather from your evidence, you do say that hitherto they have been omitted?—In some cases.

2276. Viscount *Sandon.*] Has that been the case to a large extent?—In some of the townships that has been so to a large extent, but now the rate collectors' books, and the rate book will give the whole of the names of the occupiers; I should explain with reference to last year, after the Reform Act was passed, it was mainly in Everton that the omission was made, and there they had collected their rates previously, and therefore the overseer had not got the names of the occupiers; but in the parish of Liverpool and Toxteth, where the rates were not collected, they obtained all the names that they could.

2277. In fact, the great hurry which arose last year was very much the cause of some of the difficulties that arose?—Unquestionably.

2278. So that it was an exceptional year?—An exceptional year altogether.

2279. Is it your opinion that the fact of the rate-book being kept for economical purposes, and solely with a view of collecting the rate, makes it necessarily an imperfect basis for a political register?—No; I believe with the ratepaying and occupation franchise, the rate book is the most correct data on which we could work.

2280. For what reason?—Because it would give the whole of the names; a man will not pay rates where he has not occupied, and therefore you arrive at the correct thing; if you simply admit a householding qualification, with no payment at all, parties would be changing from house to house, and we should never in reality be able to check whether they had a real qualification, but by the payment of rates we have such a check.

2281. The population of Liverpool is very fluctuating, is it not?—We have a great amount of change.

2282. You have heard the proposal as to street-lists; what is your opinion with regard to the expediency of having the register based upon the street-list?—I think if lists of the polling districts were made out in streets, it would be an improvement on the present system.

2283. Do you see any practical difficulties in the way of that in Liverpool?—No; indeed I think it would rather facilitate the work of the men in making out the lists, because the rate collectors' books and the rate books run in streets, and therefore it would be a simple matter of following down the lines consecutively.

2284. Mr. *Rathbone.*] You say there is a great movement of people in Liverpool; is not a great deal of that movement often from one end of the town to the other, in consequence of the fluctuations of work?—There is no question of that.

2285. And people really have residential qualification, although not in the same house?—That is true.

2286. *Chairman.*] You do not, I imagine, propose that they shall be disqualified because they change from one part of the borough to another?—No; but my objection was this: that if that were to be allowed without having some check on them, such as we have in the rate books, we should never be able to learn whether they had occupied at all; I may explain, that now the Birkenhead docks are open, we shall possibly have more of it, because the workmen change from Liverpool to Birkenhead, or the reverse.

2287. Viscount *Sandon.*] Do you consider that it is a disadvantage in a borough which contains numerous parishes, that the register should be made out by several persons, who act on different principles?—Now that the Act gives only one qualification, there can be no difference of principle on which they can work.

2288. *Chairman.*] Are you under the impression that there is only one qualification for boroughs in England at present?—There is only the one qualification, with the exception of freemen and lodgers; that is, actual occupation and ratepaying.

2289. That is your impression?—That is my impression.

2290. Viscount *Sandon.*] Do you, or do you not, think it is better that the whole registration should be in the hands of a single responsible officer?—I believe he could do no more than we now do, because he would have to delegate the work to the rate collectors under the control of the superintendent collectors; I cannot see that any system of putting it into any one man's hand would answer; it would be an impossibility for him to do it.

2291. Are you aware of what the Scotch system at present is?—I believe it is very much the same system that we have in our parishes as to the superintendent collector or assistant overseer, except that he does somewhat as to the assessment and valuation of the property in Scotland.

2292. If it were proposed to have a special political registration in England different from that in Scotland, should you view that suggestion with any apprehension as to the possibility of its giving rise to political complications in towns?—I believe such an official could do little good, and I cannot see that it would result in anything more than we now have. Under the present system we have no political bias at all, because a man is liable to be removed by the orders of the Poor Law Board or the board of guardians.

2293. Have you at all considered the expense of making such a change?—I believe, so far as Liverpool is concerned, it would not cost us less than 4,000 *l.* a year.

2294. Upon

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2294. Upon what do you base that calculation?—I believe such work could not be done with a less staff than we now have for collecting the rates.

2295. That is to say, if you created an entirely new officer and office of registrar for the political register?—Yes.

2296. Will you state the basis of your calculation?—The basis of my calculation is this, that I think you could not for the whole borough of Liverpool have less than four superintendents, and you certainly would require to have quite as many under him as you have collectors now, because in Liverpool the total number of assessments is 94,000, whereas after those assessments are dealt with and brought down to the Parliamentary register, we really have only 39,639 voters.

2297. That calculation as to the expense has been formed with considerable care?—I have gone into it myself, and I have seen a number of the collectors and superintendents, and they rather agree with me.

2298. Supposing you were in any way to create such an officer, whether on the Scotch system or on the English system, do you think it would be possible, instead of confining the claims or objections to a few weeks in the autumn, to allow voters or agents to send in, at any time, claims for or objections to persons who were on the preceding register?—Parties now have power to send in claims at any time they like.

2299. You think the suggestion is practically not a very important one?—I consider practically it is merely a suggestion as to what they now have liberty to do.

2300. Do they practically take advantage of it?—In very few instances.

2301. With regard to the publication of the list of persons entitled to vote, by whatever authority the publication is made, do you think it is well that the objections to the names on that list should be published before the claims are made, so that the objections of mere form might be cured by the claims to amend?—I would suggest that parties should have 14 days after the list in which to make claims to amend, that the amended list should be published, and that any objection should be based on that list, and not on the original entry of the overseer.

2302. Do you think the present system unsatisfactory in that respect?—Yes, I do.

2303. Do you think the objections ought to state specifically the nature of the objection?—I think it would be desirable.

2304. Do you think the objector should be called upon to give *primâ facie* evidence of the *bonâ fides* of his objection or not?—I think not.

2305. Why not?—I think it is unnecessary, because if he makes a frivolous objection he is now liable to costs, and the barristers award them very freely.

2306. You think that is a sufficient check to fishing objections?—Yes.

2307. Will you give your grounds for so thinking?—I believe when parties are saddled with costs, which may range from 5 *s.* to a guinea, it would run away with such a large sum of money that they would be very careful.

2308–9. Do you find practically that large costs have been awarded?—My own experience is that costs have been awarded very freely. Last year we had repeated instances of costs to the amount of a guinea being awarded.

2310. Did it amount in the whole to any very large sum?—I should say in the last revision the costs awarded by the barrister against both parties could not have been less than 150 *l.*

2311. *Chairman.*] Can you tell us how that was apportioned between the two parties?—I could hardly tell you. My impression would be that the Conservatives had to pay a much greater proportion of it, in consequence of their objections having been late posted, and therefore being invalid; in fact, the Conservatives paid 136 *l.* 2 *s.*, and the Liberals, 17 *l.* 16 *s.* 6 *d.*, a total of 153 *l.* 18 *s.* 6 *d.*

2312. Viscount *Sandon.*] With regard to the case of lodgers, what should you think as to claims being sent in before the publication of the registrar's list, so that the list of lodgers might be published at the same time as the occupiers' list?—To do that you would require to alter the date of the qualification for the lodger, which now is the 31st of July, and I see no reason why the qualification of a lodger should not date at the same time as an occupier.

2313. *Chairman.*] Those two things are not inconsistent. You might alter the date of both?—Yes; I think there really would be no reason why the one should not be made to date at the same time as the other.

2314. You might alter the date of both and put them both on the same day?—Yes.

2315. Viscount *Sandon.*] With regard to the list of voters, do you think there should be one list for the borough instead of a separate list of occupiers, freemen, lodgers, &c., marking in the margin, by some sign or other, the difference of qualification?—The qualification of a lodger is so greatly different from that of an occupier that I think the lodgers should be in a separate list. The freemen's list is made up at the town hall, and therefore it would be desirable that that should be separated. I should myself prefer that the occupiers' list should be made one and the same for both Parliamentary and municipal purposes.

2316. Do you think a provision should be made that the same person should be only once entered on the list, instead of being entered for each qualification in several parishes?—There would be a difficulty if you made the list one and the same for Parliamentary and municipal purposes. Under the present law, a municipal voter may select in which ward he will vote on the day of the election. Therefore some men have, in Liverpool, it may be, a qualification in seven wards. I myself have a qualification in three wards.

2317. Mr. *Rathbone.*] Do you think that a bad system?—You have, to a certain extent, to disfranchise men if you alter that system, because there are many wards in Liverpool in which there are no municipal contests for, it may be, several years, and if a man were tied down to one ward he might simply have no vote at all.

2318. Is it not sometimes the effect, that it leads to people voting in two wards, or still more, to personation in two wards?—In the last borough election we checked that as much as we possibly could, and in Castle-street Ward, in which we have very many duplicate voters, we only

y found one case of a man attempting to vote
ice.

2319. Viscount *Sandon.*] With regard to the
ms of claims and objections, do you not think
y might be considerably simplified, so as to
riate the technical errors that occur?—I
nk they might, especially with regard to
gers.

2320. Do you think that such an alteration
uld be very acceptable to all parties?—
rtainly.

2321. Would you amend the power of re-
ing barristers, so as to enable them to sustain
vote wherever a real qualification existed,
n although it was improperly stated?—I
uld, so long as a man had made a claim him-
f, but I would not give power to create an
irely new qualification. Indeed, in Liver-
ol, we have found the barristers exercise a
ry wide discretion in the alterations which
y make.

2322. From what you have seen of the action
the revising barristers' courts, would you
nk it desirable to compel the revising barrister
give costs in the case of all unsuccessful ob-
tions, up to a certain amount, and the power
raising that amount, where they are of opinion
e objection has been vexatiously made?—I
nk that would be unnecessary, speaking from
e experience I have had in Liverpool. When
e barrister has thought there was no proper
ound for the objection, he has awarded costs,
nen applied for by the voter or the party he
nt to represent him.

2323. As far as you can see, with regard to
e question of costs, you think the revising
rristers' courts have acted satisfactorily?—
s.

2324. And fairly to both parties?—Fairly to
th parties.

2325. Do you think an objector should be
liged to give security for costs, on the same
inciple as in election petitions?—I think it is
necessary, because unless an objector pays the
sts immediately the barrister awards them, he
ll hear no further objection from the same
an.

2326. *Chairman.*] But how, if they were
ade by different people?—The same would
ise.

2327. If they were all made by separate
en?—If they were all made by separate men,
course he would grant orders at once for dis-
int; the expense of that would be so great that
party could resort to it at all.

2328. Viscount *Sandon.*] You do not think,
actically, it would affect the question?—No;
y experience has been, that we cannot gene-
lly get the same men to occupy the position of
aking objections a second year, because they
e annoyed so much. Everybody goes to them
d says, "Why do you object to me?" and they
t all kinds of communications.

2329. Are you of opinion that the Home
ecretary, or the judges, or some other autho-
y, ought to have power, from time to time, to
ake rules and regulations with regard to the
vising courts?—I am very strongly in favour
that.

2330. You think that is much called for now?
I think it is extremely desirable. We had so
uch difference of opinion in Liverpool last
ar, one barrister making an alteration, and
another refusing it, that it really would be a
very desirable thing to have such rules.

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2331. You may be aware that some short evi-
dence was given with regard to the late Liver-
pool election as to the objections which were
made by one party being largely in excess of
those which were made by the other party; per-
haps without treating it at all in a party point
of view you would shortly state what your know-
ledge of that is?—The total number of objec-
tions made in Liverpool was 8,660. As near as
we can tell, the Conservative party made 6,000
objections. Out of those 8,660 objections 4,257
were sustained in the court. There were some
objections made by both parties, the number of
which we cannot really arrive at. Then 2,500
were withdrawn by the Conservative party in
consequence of their having been late posted,
and not from their being without any foundation.
Through the drunkenness of a clerk the objec-
tions were posted too late to be delivered. I
myself caused our secretary to make application
to the postmaster, some days before the revision
courts sat, for him to give us particulars of what
objections would be late posted, and therefore
informal. He declined to do so, and we were
then driven into the revision court to get our
information. It was really the fourth day of
the revision before we found out the whole of
these bad objections. I had charge of the office,
on behalf of the Committee; I felt very
strongly that objections which would result
in no good should be withdrawn as speedily as
possible, and we endeavoured to do it, but a
difficulty arose through our not learning from
the Post Office authorities which objections had
been late posted. I myself went over the survey
books of a great number of the wards, and I
must say the objections were not made at all
frivolously. No doubt some were made through
the errors of the clerks; for instance, in Castle-
street Ward, the clerks had objected to 37 people
for which they never had the slightest authority.
On what principle they made those objections I
never could learn, but still they were made, and
I withdrew them.

2332. You have doubtless heard it suggested
that one way of preparing the Parliamentary
register would be to throw it into the hands of
the clerk of the assessment committee; what is
your opinion, as a practical man, upon that?—In
many cases, and especially in one portion of the
borough of Liverpool, in West Derby, Everton,
and Kirkdale, it would be throwing the full
control of the clerk into the hands of people
resident in the county, because the assessment
committee is under the power of the board of
guardians of the West Derby Union. That
union is composed not only of Everton, Kirk-
dale, and West Derby, parishes in the borough,
but of large portions in the county. The guar-
dians represent each of those districts.

2333. Mr. *Rathbone.*] Is not the majority of
them in the borough?—I can hardly say; my
impression is that a very large proportion of them
would be.

2334. Viscount *Sandon.*] What is the ar-
rangement with regard to assessment in the
parishes of Liverpool?—The board of guardians
or the select vestry have a special surveyor, I
believe, who makes the assessment, and the
matter then goes before the select vestry; I do
not know whether they have a sub-committee.

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2335. *Chairman.*] That is under a local Act?—I think it is; I believe Toxteth Park would also come in the same list with Liverpool.

2336. Viscount *Sandon.*] In point of fact, you have no such officer as a clerk of the assessment committee in Liverpool?—No.

2337. Will you inform us whether to any large extent you have reason to suppose that people in receipt of parish relief came upon the register and exercised the franchise on the last occasion?—I believe there were numbers on the register last year that had been in receipt of parish relief; indeed, in Toxteth Park I believe the list was passed entirely without a solitary name being erased, and without the list being checked.

2338. You have reason to believe that a considerable number were on the register and voted?—Yes.

2339. How was it they were not objected to?—In the first place, when we came to the revision in the Scotland and Vauxhall wards in Liverpool, we had arranged for the relieving officers to attend the courts; the question was asked in one case, and the barrister said that in every case where we asked the question he should double the costs, and therefore we refused to ask the question on any future occasion. The Toxteth list, and some other lists, passed wholly without being questioned.

2340. What reason did the revising barrister assign for his decision?—He said it was casting an imputation on a man, which we really had no right to do.

2341. Do you believe practically that a considerable number of those in receipt of relief actually voted?—I think so.

2342. What suggestion have you to make to meet that evil?—I would suggest that the relieving officer should be compelled to deliver to the overseers a list of all male persons who had been in receipt of parish relief for the year ending, whatever date you fixed; if the qualification was the 30th of June or the 25th of June, or any other date on or before the 10th of July, that is to say, 10 days or a fortnight should be given him; that a copy of that list should be handed to the revising barrister, and that another copy should be in the parish offices for any ratepayer to inspect, on payment of a fee. I would put a fee, in order that no person might go there simply to satisfy his curiosity, and with no other object. And a similar list of parties in arrears for assessed taxes must be delivered, duly signed, to the overseer before 10th July, such list to be accepted as evidence in the Revision Court.

2343. Are you aware that there was considerable discontent among the operative class in Liverpool, in consequence of the fact of these people in receipt of relief voting with them?—The working men are very strongly of opinion that the shifting population, for the relief of whom and for their families they have in reality to contribute, have no right to be on the register with them; and that there is but little inducement for them to behave as respectable citizens.

2344. Now, with respect to aliens; are there a large number of aliens in Liverpool?—There are.

2345. Have you any idea as to the number?—I could hardly tell; I know that in two wards in Liverpool we have had very considerable trouble in checking the lists in consequence of aliens; I should imagine that there are several hundreds.

2346. Belonging to various nations?—Belonging to various nations.

2347. To what nations principally?—A great number of them are German Jews; and we have Greeks and Germans. I fancy the Greeks, Germans, and German Jews are the most numerous.

2348 *Chairman.*] Are they naturalised under the Act of 1843 or not?—Some of them are; one of the difficulties we have in conducting the revision is in learning whether these men are naturalised.

2349. Viscount *Sandon.*] Is there not a considerable difficulty at every election with regard to these aliens?—There is every year in the revision court, both Parliamentary and municipal, considerable difficulty.

2350. You find a great difficulty in ascertaining whether they are naturalised or not?—Yes.

2351. One great difficulty which I think you found arises from the impossibility of ascertaining the Christian names?—We have great difficulty in obtaining any information with reference to these aliens.

2352. What suggestion would you make with a view to meet these difficulties?—All aliens should be compelled to produce their naturalisation papers, either to the town clerk or to the overseer. They should be registered, and a book should be kept in the office of the official who was appointed to receive them, where we could go and look at them, and check the list properly.

2353. That is not a small matter, I believe, as affecting the Liverpool register?—No; in the last revision we had a number of objections made on the ground of people being aliens. In Castle-street Ward, where we paid 4 *l.* 16 *s.* costs, 3 *l.* 3 *s.* was paid for aliens, because they produced their naturalisation papers, and the barrister awarded them costs.

2354. With regard to the question of dates, have you considered the scheme that has been thrown out by the Chairman?—I have considered it, and I have thought that we might considerably alter the dates that we now have.

2355. Do you think that the present system is very unsatisfactory?—To date the qualification upon the 20th of July, and to compel the overseer to publish the list on 1st August is to require him to do an impossibility; the man cannot do it correctly. It is that which in Liverpool is one of the main causes of objections, because of the changes made subsequent to the time of the overseer's service. I would first suggest that the date of the title should be changed to the 30th of June; the last day of the month is preferable to any intermediate day. I simply chose the 30th of June because the Chairman had selected the 25th of June. It would be better if the last day of the month were fixed rather than the first day.

2356. Will you give your reason for saying that the last day is better than the first?—Because I think the parties, knowing that the month was expiring, would more clearly know that that was the time of their qualification.

2357. What should you say with regard to the next date?—I should say then the overseer should have three weeks in which to publish the lists.

s. If you took the 30th of June, that would ke it the 21st of July.

2358. What should you say with regard to the gers' claims?—I should suggest that those uld be served on the overseer by the 4th of gust. In order to do that, you would have make some little alteration in the date of the alification, because that would only afford m four days.

2359. Will you give us your reason for that? The law says that the qualification, or rather claim, must be dated some day in August.

2360. That would only affect the past state of ngs, and not necessarily the future?—No; I uld rather that the lodgers' claims should be ged at the same time as other parties' claims. e claims to amend should be served on the erseer within 14 days after the list was pub- ed; any errors the overseer had made would corrected in that way. Indeed, a large num- of the claims in Liverpool, last year, were de in order to amend mere clerical errors. hen they were not objected to by the opposite ty, the parties let them drop. Then the list of ims to amend, and the lodgers' claims, should be blished within a week after that by the over- r, and I should say that the objections should be ved within three weeks after that; then these jections, and any claim made by parties, which im would be, of course, subject to being sub- nuiated in the revision court should be pub- hed within seven days.

2361. *Chairman.*] Let me direct your atten- n to the fact, that one of the objects of serving e objections first is, that people's attention ould be called to the fact that their qualifica- n is incorrectly described in the first list?—am afraid that that would result in objectors ding that they had so much trouble, and really t so little benefit whatever from it, that their bscriptions to the association would fall off, d, therefore, the result would be a fictitious gister.

2362. What you mean by the benefit of the jector is the striking off of the voter?—No; I lieve that, owing to our system, we have a ch more correct register than we should herwise have.

2363. Viscount *Sandon.*] You have reason to lieve that it would lead to a fictitious register? Yes.

2364. That is the sole ground of your objec- on?—Yes.

2365. The object you have in view is to get *bonâ fide* a register as possible?—Yes; you ay put the costs on the objector at any amount u like, 5*l.* or 10*l.* I believe it is really in at way that you will arrive at a correct regis- r. If you do away with any possible advantage an association which spends money in the rvice of the borough, I fear the result will be a ry fraudulent register.

2366. You think incidentally the action of the o political parties is to secure a real *bonâ fide* gister?—Yes. My opinion is, that unless you ve associations you will not have the correc- ons in the register that you now have. I would ve parties the opportunity to amend in 14 ys and if they neglected it it would be their n fault. The list would be published on the h of September. I would suggest that any rty wishing to withdraw objections should do seven days prior to the sitting of the barrister's court, which list of withdrawals should be published.

2367. Mr. *Rathbone.*] Would not you send notices of withdrawal?—I should send notices of withdrawal to the voter and to the overseer.

2368. And publish the list?—And publish the list. I believe the most desirable thing is to save attendance at the revision court as much as possible.

2369. Viscount *Sandon.*] At what time would you fix the sitting of the barrister's court?—The 25th of September, in that case.

[*The Witness delivered in the following Paper:*—]

SUMMARY.

Date of qualification	30 June.
List to be published	21 or 31 July.
Claims to amend errors to be servsd on overseers	14 days after.
List to be published	6 days after.
Objections and claims to be served on or before	31 August.
Objections and claims to be published	7 September.
Barristers courts to sit	25 September.

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Date of qualification to be	30 June or 31 July,
Claim or the proposed declaration to be served on or before	14 August.

2370. I think you have some suggestions to make with regard to the notices which the barrister's court should issue?—Yes. We had great difficulty last year with reference to the revisions in Liverpool, that we never knew that any certain list was to be taken until the day prior to the sitting of the court. For the municipal revision we have a list issued under the authority of the mayor, stating on which day each ward or each polling district will be taken. There should be something of that kind with reference to the revising barrister's court.

2371. *Chairman.*] That is done in most boroughs?—It is not done in Liverpool at all; we had the greatest difficulty. Several times after sending out the notices in the morning for the parties to attend the court the following day, we had to send out fresh notices cancelling them, and to summon others.

2372. Viscount *Sandon.*] You have found serious inconvenience to arise?—Yes.

2373. What is your opinion with regard to the assimilation of the municipal and Parliamentary register; I believe that is a matter which you have considered?—I think it would be very desirable if the two were made one and the same; but to do that you of course have to remove the longer residence, and also the question of a man being an inhabitant householder. The Bill, proposed I believe by a Member of this Committee, and which I have seen, goes very far towards removing that; I refer to the Municipal Franchise Bill. By the alteration of a few words in that Act, you would arrive at an assimilation of the two.

2374. You are very much in favour of the principle of assimilation?—Yes.

2375. On what ground?—I believe that one register for occupiers should serve for the municipal and the Parliamentary register, and by that means you would do away with the extra revision which

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which we now have. The mere cost of the publication of the list of the municipal voters in Liverpool amounts to something like 400*l.*

2376. It is on the ground of economy more than anything else?—Of economy and simplicity.

2377. With regard to the whole system of registration, I think I understand from you, that you think the action of the two parties tends to produce a more *bonâ fide* register than any other system?—I do.

2378. The great object which you, and those with whom you act, have in view, is to get as *bonâ fide* register as possible, in accordance with the present provisions of the law?—Yes.

2379. Have you any other observations to make generally on the subject before us?—No, I think not; I think you have raised them all.

2380. *Chairman.*] Had you taken part in Parliamentary elections and registrations before the last election?—I had.

2381. I gather from what you said at the commencement of your evidence that you consider, at Liverpool at all events, the original overseers' list is well and correctly made out?—As correctly as can be with the law standing as it now does; changes constantly take place in Liverpool; merchants go from one office to another, and people go from one residence to another. The Parliamentary Register requires both their private residence and qualification to be stated, and it is in consequence of changes in one or other of those cases that two kinds of the objections now are made.

2382. Do I correctly understand you to say that in your judgment the original overseers' list at Liverpool was a fairly good and correct list?—As much so as it possibly could be.

2383. And yet, being as much so as it possibly could be made, it was a list to which properly and justly 8,000 objections were made immediately it appeared?—For the reason that last year the objections that were made were really and truly made on the basis of the parties not having occupied their qualification, or from changes or residence beyond the distance.

2384. How long was the interval between the publication of the list and the making of the objections?—The making of the objections was the 25th of August, and the list was published on the 1st of August, but in reality it was compiled by the overseers some time prior to the 20th of July.

2385. Is that list, in your opinion, satisfactory, which immediately it is published is discovered, by the parties who make it their business to examine it, to be incorrect in 8,000 particulars?—Last year was an exceptional year.

2386. I am asking you as to last year; do you say that a list which was published on the 1st of August, and was discovered on the 25th of August to have 8,000 defects in it, is what you would call a satisfactory list?—For this reason; last year the time allowed to the overseers was so short that they really had not time to do it in Liverpool.

2387. Then it was not a correct list?—Last year it was not; but I believe in future years the same staff will give us a correct list.

2388. That is hypothesis as to what the future will be; we are now upon the past; may I take it that, according to the experience of last year, the list prepared by the overseers was a very incorrect list?—The list last year was double what it was in the previous year.

2389. Was it a very incorrect list?—Last year it was.

2390. Then the effect of the present system of registration in the hands in which it is at present placed in Liverpool, was, last year, to produce a very incorrect list?—It was.

2391. That, at all events, is the state of things with reference to the existing law in the hands in which it is at present placed?—It was last year.

2392. Was there, or is there at present, any pains whatever taken to ascertain whether persons who are put upon that list are residing there at the qualifying period?—There is, unquestionably.

2393. What pains do the overseers take to ascertain whether the person they put upon the list is resident there on the 31st July?—The overseers last year had not time to make the survey. The collectors make the survey in calling round the different districts.

2394. When would the last rate-book previous to the 31st July be made up in Liverpool?—I could not answer that question; it would be some time prior to that, and varies in the different townships.

2395. The whole thing seems to turn upon that; if the list is made out from the rate-book, then it is quite plain that the qualification can only date from the time at which the rate-book was made out; suppose the rate-book were made out on the 1st of January?—It is made out subsequent to that; the register is made out from the collectors' books, checked with the rate-book. The collectors are calling round every three months, and last year they called on all they possibly could.

2396. You cannot state at all what was the period which, in point of fact, would be represented by the names upon the overseers' list?—No, I cannot.

2397. You say that the names of persons receiving parochial relief were not taken off the list?—In some of the townships they were not.

2398. Why were they not?—In one case I was told that the relieving officers had not furnished any list at all. In Everton they are very particular. The relieving officer meets the collector, they check the books and marked P in red ink on every person's name who has received parish relief.

2399. Is it consistent with your view, that the officers who at present make out the list do their work extremely well, that in several parishes in Liverpool they take no pains whatever to ascertain who received pauper relief and who did not?—I am afraid there is no power to compel the relieving officer to give that information to the overseer; that is the trouble.

2400. Is that, in your opinion, a satisfactory state of things?—No; I have made a suggestion to meet that.

2401. Does not that tend to show that the lists as at present made out are extremely incomplete and imperfect?—They would be incomplete if made by anyone, unless they had the data I have suggested.

2402. Do not you think it would be a good thing that the list should be made out by some person who had control over the relieving officers and over the parties who ought to supply the requisite

quisite information?—With the present staff, having the compulsory power I have suggested, they would be able to meet that difficulty.

2403. You think, as I understand, that the present money payment to the overseers is too small?—I do.

2404. You propose that it should be increased?—Yes.

2405. To what extent would you increase it?—I think if each of the parties engaged in making the list were paid the sum of 30*l.*, or a rate say of 2*l.* per 100 names on the revised list, as some districts are larger than others, they would do their work, and they would be quite content to be liable to be fined by the barrister for any omissions. I believe that that system would give you as correct a list as you could well have.

2406. How many persons would you contemplate should be employed in Liverpool at 30*l.* each?—About 30.

2407. That would make 900*l.*?—Yes, it would be about that.

2408. Do not you think, if those 30 persons were employed, it would be a good thing if there was some directing mind to instruct them as to how they were to proceed, and to see that they all did their duty well?—I am afraid that any one person could do very little good with them.

2409. You referred to the Scotch system, and you stated that, in your judgment, the system pursued at Liverpool was similar to the Scotch system?—The system in the parish of Liverpool is similar to the Scotch system, as far as I understand, with the exception of the mere matter of the assessment.

2410. Are you aware that the whole registration of Glasgow, and indeed of every town in Scotland, is done under the superintendence of one person?—You might have one head, but what object it would serve I can hardly see. If you have the present staff, who are so well acquainted with the districts and have been for years there, with the head official over them, paid properly, I think you would then meet the difficulty you have suggested.

2411. I am not proposing to employ a new staff, but simply that there should be somebody who should have the control and direction of the staff, so as to see that they all worked harmoniously together and upon the same principles; that, I understand, is a thing of which you would approve?—You would have to do that for each township.

2412. Why?—Because the books for each township are at different places altogether. They are different officials. You have the present system of a superintendent over them, either in the shape of a superintendent collector or an assistant overseer.

2413. I understood you to say that the whole work was really done by the rate collectors?—Under the supervision of the immediate head of their department.

2414. Do you mean a different head in each parish?—Yes.

2415. Who is the head in each parish?—In Everton they have an assistant overseer; in Kirkdale they have a vestry clerk; in West Derby they have a vestry clerk; in North and South Toxteth they have two assistant overseers, one for each ward; in Liverpool they have a superintendent collector, and, I believe, one vestry clerk.

2416. In fact, your view is, that supposing a borough contained 20 parishes it would be better done in 20 separate departments, than by having some person generally to conduct the business?—My evidence is mainly given with reference to Liverpool; but I believe that where you have all the books together, you will be more likely to have the work done correctly, because in Liverpool you have all the collectors' books and the rate-book at the parish offices at Brownlow Hill. Then at Toxteth you have it at the Toxteth Guardians' office; at West Derby, Kirkdale, and Everton, it is the same, each with a head.

2417. You think the greater the sub-division of the work, and the more persons employed, the more likely the work is to be well done and uniform in its action?—I cannot say that; but my object is to throw the work on to the parties who really know the districts.

2418. Who are the parties whom you would make responsible for the list?—The collector and the assistant overseer, or the vestry clerk, as it might happen to be.

2419. In each parish you desire that there should be two persons responsible for the lists, so that if there were 20 parishes there should be 40 persons responsible for the making out of the list?—No; I would make that party liable to a fine whose immediate duty it was to make out the list.

2420. Which is to be the party?—I think the collector.

2421. Then the rate collector is to be responsible?—Yes.

2422. Is the vestry clerk or the assistant overseer to be responsible?—It would make very little difference if you made the one man responsible.

2423. I want to know what is your view?—That the collectors, who really have to do the work, should be the responsible parties and liable to the fines.

2424. What you would desire is, that the responsibility of making the register should not be in the overseer but in the rate collector?—The parties who collect the rates and have the rate-books.

2425. I understand that your proposal is, to change the responsibility from the overseer, on whom it now rests, and to vest it in the rate collector?—The overseer is a mere honorary party, and practically has nothing to do with the register at present.

2426. Then I take you to agree, that the overseers are unfit persons to rely upon to form the register?—The overseers in Liverpool have really nothing to do with it.

2427. Therefore they must be the most unfit people in the world, having nothing whatever to do with it?—They have nothing to do with it.

2428. Then I take you entirely to agree, that the overseers are improper people to be made, as they are made by law, responsible?—I should be in favour of putting it in the overseers' officials' hands and making them responsible; the officials who really do the work.

2429. The rate collectors?—The rate collectors.

2430. You want to throw the responsibilty of making the register upon the rate collectoirs?—The rate collectors, or the party who collects the whole

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whole rates, whether he be called the vestry clerk or the rate collector.

2431. They are to be the responsible persons for the formation of the register?—Yes.

2432. Without any control or revision by anybody else?—The control would be, the revising barrister fining him.

2433. That is your plan for the reform of the register; the overseers to be superseded, the rate collectors to be made responsible, with no authority over them except that of the revising barrister?—Yes.

2434. Though you fear there might be some political bias in a single responsible officer, you think these 30 rate collectors could by no possibility be exposed to such influences?—I think they would not be, because I believe the appointments of the rate collectors are subject to the approval of the Poor Law Board.

2435. Is there any reason why a responsible officer might not not be similarly subject to the approval of the Poor Law Board?—There is none.

2436. In that case, why should one officer be more liable to political bias than 30 rate collectors?—Because I think it would be far more easy to get over one than it would be to get over 30.

2437. Is it not much more likely that among 30 one would be likely to be influenced?—You would have the penalties attaching to their neglect; you would have a divided responsibility with one head, because it would practically come to this, that he had not done the work. It would be an impossibility that he could do it.

2438. Are you aware that in Scotland it is done by one man?—He must have a number of clerks to do it.

2439. Do I correctly understand you to say that in your opinion at present there is no evil at all from the taking of what may be called fishing objections?—I think, with the penalties attached to them, there is no evil.

2440. You think there is no such thing in operation now as taking objections upon the chance of their succeeding, without any special information as to what they are grounded upon?—I think that is done to a very trifling extent.

2441. And that has not happened at all in your parish?—I would not say that it has not happened; it may have happened occasionally. I may say this, speaking for the Conservative party, that formerly in Liverpool the matter was left very much in the hands of the official, but now the duty is not performed in that way.

2442. You think that the 6,000 objections which were taken on your side in Liverpool, were all objections founded upon accurate investigation of the grounds upon which they rested?—With the reservation, that a number of objections were made by the clerks by mistake, and as soon as we found out the mistake we withdrew them.

2443. How many do you suppose were made by mistake?—I could hardly say; because when I came into this unfortunate business, on behalf of our committee, we were so busy with both the borough and the county revision, that we really had not time to go into the detail.

2444. You have said that costs were given when objections failed; were there many objections made at Liverpool, for various reasons which you have stated, from mistakes or too late posting, which were not withdrawn until the parties came into the revising court?—Yes.

2445. Did they get costs?—They did in some cases.

2446. Where the objections had been late posted?—There were some who never attended the court at all.

2447. That is not the question; I am speaking of the parties who attended the court in consequence of objections which had been late posted; in those cases do the persons get their costs?—They did to a very large extent. For instance, many people in Scotland and Vauxhall Wards sent their wives, and in that case the barrister awarded them 2 *s.* and 2 *s.* 6 *d.* Others got some of their neighbours to attend the court, and they got costs. The question was repeatedly asked, "What are your day's wages?"

2448. How many persons do you suppose did not get costs who were brought to the court?—The total number of objections withdrawn by the Liberal party, and in which we also failed from discovering when we got into the court that the objections had been late posted, were only 1,864.

2449. Were the costs paid upon the whole of those?—Costs were paid wherever the barrister awarded them.

2450. Am I correct in saying this, that on your side there were only 420 cases in which costs were given?—Costs were awarded in 454 cases against the Conservatives, and in 58 against the Liberals.

2451. You could not tell me, out of all the objections which failed, in how many costs were given?—I could not, but it must be in some hundreds of cases.

2452. The objections were in thousands; my question is whether costs were given in more than hundreds, because, if so, there must have been hundreds of people brought to the court who never got costs at all?—The number of objections that failed were only 1,864 out of the 8,660; 2,539 were withdrawn.

2453. One thousand eight hundred and sixty-four failed?—Yes; but that includes the withdrawals made by the Liberal party.

2454. I am taking it quite apart from party; here are 4,300 objections, which either failed or were withdrawn?—Yes.

2455. Your attention has been specially challenged to the question of the hardship, in Liverpool, of the system of wholesale objections; and you say you regard that as no evil, because costs were generally given; now, in order to give any value to that evidence, can you tell us, out of those 4,364 objections, how many parties got costs?—I cannot tell you how many got costs, but they were awarded mainly to the working classes; therefore, on the scale of 2 *s.* for women and 5 *s.* for men, that would amount to a very large number.

2456. This is a matter which is capable of being ascertained with the greatest accuracy; we have had evidence that a great number of people claimed and got no costs; if you challenge that evidence, it is desirable that we should be informed how many out of those 4,364 people did get costs?—The 4,364, of which you speak, includes the withdrawals; the parties did not attend the court.

2457. Do you mean that, in the case of withdrawals,

drawals, the greater part of them did not attend the court?—I do.

2458. Were not most of the withdrawals made within 12 hours of the revision?—No; owing to the difficulty that I spoke of with regard to learning what were the late-posted notices. In the parish of Liverpool we withdrew 1,645, which would include Scotland and Vauxhall wards.

2459. At what period would they be withdrawn?—I suppose the half of those 1,645 would be publicly withdrawn two or three days before the court sat; it may be more, some five or six days.

2460. How were they withdrawn; was it by serving notices on the people?—By sending notices through the post; in Scotland ward I adopted the plan immediately the clerks came back from the court, of sending special messengers to deliver them by hand, and in many cases the parties came the next day and said that they had not had the withdrawals; and in many of those cases the barrister awarded them costs. In South Toxteth, North Toxteth, and West Derby, the withdrawals were 630.

2461. What is your opinion as to whether the system at present in work, of serving notices of objections by post, is a good one or not?—I think that it is desirable, because you immediately settle the question as to the time of the service.

2462. Your point of view is entirely that of the objector; I want you to direct your mind a little to the interest of the voter?—My object is to arrive at as correct a register as possible.

2463. Objections are sent by post in a floating population like that of Liverpool; supposing that the man has left the residence for which his name is down on the overseers' list, that letter will probably never reach him; then the person who sent that notice is entitled to prove that against him as an objection at the revising court; he gets no notice, and his name is struck out because he is not there to defend his claim; do not you think that a great hardship?—The opposite party, in Liverpool, invariably adopt the plan, where we object to any person, of sending him a notice that we have objected; they go and hunt him up, and we do the same by their objections. You say the notices are simply sent through the post-office, therefore the men may never receive them; by the system of the two associations, the man has notice, and, unfortunately for him, sometimes he may be pestered with half-a-dozen or eight.

2464. You may send an objection through the post-office to a man who has left his residence, and then you will be entitled in the revising barrister's court to prove your notice of objection by the posting, without any evidence that it ever reached the man at all?—Yes.

2465. Do not you think it is a great hardship that a man should lose his vote without its being certain that he has had notice of its being objected to?—The strong probability is, that the ground of objection has been in consequence of his having left.

2466. Therefore you send a notice of objection to a man you are going to object to, to the place where you feel sure it will not find him?—The law, unfortunately, requires it; we simply have to do what the law compels us to do. We have in previous cases been fined in the revision courts through our not having posted the objection to the very latest address stated on the register.

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2467. That is what the law requires; I am trying to direct your attention to the imperfections of the present law. Do you think that before a man's vote is struck off there ought to be some security that he has had a notice that his vote is objected to?—I cannot see how that could possibly be established.

2468. Do you think it desirable that before a man's vote is struck off, he should have some notice that he is going to be objected to?—How can you find him in a floating population like that of Liverpool?

2469. I will repeat my question; do you think it desirable that before a man's vote is disallowed he should have some notice that it is objected to?—It would be desirable.

2470. In a fluctuating population like that of Liverpool, does the mere sending of a notice by post to the address which appears upon the last rate in fact give any assurance that he will have such notice?—It gives none.

2471. Therefore, in point of fact, the existing law gives no security that a man shall have notice that his vote is objected to before it is struck off?—No.

2472. Do you think that that is a state of the law which ought to be altered?—Certainly; but the difficulty is how to carry it out, because in many cases the men leave no address whatever.

2473. I understand your answer to apply to the case of a town where persons are frequently changing their residence, and where, in point of fact, a residence of six months back will very probably not be the residence of a voter?—That is very likely.

2474. Do not you think that notices of objection ought to be personally served?—You cannot do it; when you go to a house, and find the parties have left, and can get no information from the neighbours at all; we have a great many cases, as cottage owners will tell you, of people simply bolting to avoid the payment of their rent, and in such cases they leave no address behind; we should be in a difficulty to establish that we had made personal service on a man.

2475. Could not you object to him on the ground of his not being at the house at that time?—We could state that, but then that would not be personal service.

2476. Would not it, at all events, be some security that the persons who had to make the list should call at the house, and see if the man were there, and endeavour to ascertain where he was; if they could ascertain they might serve him, and if not, they could state that he was not to be found?—Yes.

2477. Would not that be a fairer thing towards the voter?—It would. Then you open the door to another difficulty; you see the way in which we were served in consequence of the late service of the notices; the men you would have to send out to serve those notices are not of the very highest stamp; they generally are men who have been in a better position, and lost it through drink; therefore, you would be very much dependent on a very inferior class of evidence as to the actual service.

2478. I am suggesting that this should be done by the rate collectors; that the notice of objection should be served by the rate collector?—I

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should no have objection to that; it would be a very desirable thing, but I would suggest to have objections served through the post office, as at present, and where the parties had left, let the postman deliver the notice with that remark to whoever is made to represent the overseer.

2479. I mean, in fact, to substitute, as far as it can be done, personal notice of objection by the rate collector for mere notice through the post?—Yes; I think that would be a desirable thing.

2480. You say it would be well to fix the qualifying date some time before the overseers' list is to be published?—Certainly; and indeed a month would be very little time. I think I could show you the utter impossibility of any rate collector calling within the time that is allowed at present; in Everton there are 17,880 assessments, and only four men to do it; it would be an utter impossibility for them to call round on all of them within the time; a man cannot make more than 300 calls in a day; that is the practical experience of parties who are engaged in it. With the present register it would require, in Everton, about 18 or 19 days to do it, and then there would be time required afterwards for preparing the lists.

2481. How would you propose that the rate collectors should ascertain the residence and qualification of these people on the qualifying day?—By actually going round, and if you awarded them a sufficient sum, I think the officials in the office would assist them.

2482. What you propose is that what we now call the overseers' list should be made out from an actual survey from house to house, and not as it is at present, a transcript from the rate-book?—Yes, but the rate collectors could do it in much less time than any other staff of officials, because they have all the data in their books.

2483. At present I am right, am I not, in supposing that the overseers' list is not made out from any such house to house survey as you speak of, but is merely a copy of the rate-book?—As nearly as they can from the time allowed, they make a final survey of the borough, but then to do that it would require that they should make their survey some days before the qualification terminates.

2484. How, as a fact, do you believe that the rate collectors at Liverpool at present make out the list?—At present they will deal with last year's register; they will take it with their rate-book, and check each name that was there previously, and see whether it is there now; everyone that they find has left they strike off at once and insert the fresh name, and follow that down with each street.

2485. That I understand is done in their own offices on a comparison of the two books, not by means of a house to house visitation?—They do the house to house visitation; they check their books and then go to the office and do this work.

2486. The house to house visitation is made for the purpose of collecting the rate?—Yes, and for the purpose of making this final survey, as well as the time will allow, they do it, I believe as well as they possibly can, but with the work that is thrown upon them in a short space of time, it is impossible to do it properly.

2487. Have you yourself had much personal knowledge and investigation of the rate books?—No, but I have seen some of the rate books and several of the rate collectors' books.

2488. What I want to know is this,—you say that the occupiers' column is, as a rule, regularly filled up?—It is in the rate collectors' books that I have seen, and all changes of tenancy noted, and as far as possible the date of entry, and now it is done in all cases in both books.

2489. Is that so in all the parishes in the borough of Liverpool?—I believe it is so now, because the men have to issue the receipts in the name of the occupier, and the rate can only be recovered from the occupier.

2490. How many rate books have you seen in Liverpool?—I have seen some of the rate books in Everton, West Derby, Toxteth Park, and parish of Liverpool, and some of the rate collectors' books in each place.

2491. Are you able to tell us that in those books, in all cases the names were filled up in the occupiers' column?—I have not gone over the whole of the pages, but as far as I went over them, taking a casual look at the books, and examining some pages closely, it was so.

2492. Are you not aware that it frequently happens that when the owner pays the rate, though there is a name in the occupiers' column, it is not the name of the man who is actually resident, but of somebody who has been there for some time before?—I think that that error has been corrected.

2493. Have you personal knowledge of it?—In former years no doubt it was the case, but now the occupier's name must appear or the rate cannot be recovered.

2494. Have you personal experience of the present state of the rate books?—From what I have seen of the rate books now, I think they have the proper names as far as I can see.

2495. How did you know that those names were the names of the persons actually there resident?—In the occupiers' column the name of the occupier, when the rate was made, is inserted, and his name is marked opposite any payment he made in the payment column; any subsequent tenant's name who pays any rate is entered in the column for changes and date of entry. The collectors' books also show the name of all parties who go into the houses, whether they pay the rate or not. In cases of such change the first occupier's name is erased in pencil.

2496. In pencil?—In pencil, because the poor law auditor will not admit of any erasures in ink in those books.

2497. Are you aware that revising barristers have determined that such an alteration in pencil does not entitle the man so put in in pencil to have a vote?—The original occupier is erased in pencil, but the present occupier is in ink.

2498. As a fact in Liverpool I believe in spite of the law saying that a rate shall be levied on the occupier, and not on the owner, the rates very frequently are paid by the owner on behalf of the occupier?—Yes; but in those cases the receipts are given in the name of the tenant, but to a large extent the tenants pay even in small houses.

2499. Mr. *Rathbone.*] In the questions I am about to ask, I place the most implicit confidence in everything you state to us from your own knowledge, but your experience so disagrees with mine, that I must ask you some questions as to the extent of that knowledge, and how far it is personal. I think you stated that, in the first

first part of the last revision you were not engaged, and it was only towards the middle of the revision that you came in?—I may, perhaps, explain to you my position in the matter. I was in Scotland at the time the objections were made. I left a list of the objections in my own district to be carried out; when I returned, I found that the list was not accurate, and I took steps to rectify it, as well as I possibly could. The revision courts came on, and immediately I saw the complaints that appeared in the newspapers, as to the objections not being withdrawn through late postage, I applied to our committee, and they gave me full authority to put on what staff I deemed requisite to correct that.

2500. Is that the Castle-street committee?—No, the committee of the general association.

2501. Previous to your return from Scotland, your business had been principally confined to Castle-street ward?—Yes; previous to my seeing the remarks in the newspapers, on the part of the barrister, and days before the courts opened, that these objections had been late posted, and ought to be withdrawn, I had requested our secretary to apply to the Postmaster for the dates, or the stamp marks, in order that we should withdraw those objections, but he refused to supply them. When the revision had begun I took the thing up with our committee, and they gave me full authority to withdraw what objections I considered necessary. I took charge of the matter on the evening of the second day of the revising barrister sitting at Liverpool.

2502. I have not the smallest doubt that, if you had had the charge from the first, the course of things would have been different; but I think you state that, previous to your having charge, the clerks had issued a great number of objections of which you yourself would not have approved?—No, I think you are mistaken. There were a number of objections; I cannot say a great number; but a number that were made by the clerks, of which I certainly should not have approved.

2503. That being the case, do not you think there is some fresh protection required to the voters?—I am very strongly in favour of a very great change.

2504. Do you not think that it would be desirable if both your association and ours, if I may so speak, were under heavier penalties than at present?—I do.

2505. And that it would be better if the fines were made absolute?—I hardly think that I should say absolute, but I should say that the barrister's power should be greatly enlarged as to the amount of costs he should award.

2506. Is not that very irregular at present?—That is exactly the difficulty.

2507. You mentioned just now that when it was heard that the barrister was giving such heavy costs, there was some little change?—No; it was when I heard the remarks the barrister was making as to our withdrawals, and I then had the data on which to work for the purpose of withdrawing objections. I then set to work to do it, because I had learnt from the Post Office authorities, in the court that day, what a large proportion of the objections were informal; it was simply in the revision court that we acquired that information.

2508. I quite admit that on previous occasions the fault has been on the other side, but I want to call your attention to one fact. I believe the objections on one side, we will not say which side it was, were 5,889, and the objections on the other side were 2,958?—Yes, something of the sort.

2509. Fourteen hundred were made on both sides in the case of people who were dead or gone?—Yes.

2510. That reduces the objections on one side to 4,485, and on the other side to 1,454?—Yes.

2511. Were not both sides very anxious to spare neither trouble nor costs, at the last election, in striking off as many votes of their opponents as they possibly could?—As far as we were concerned, from my knowledge on the committee, we had no such desire.

2512. I mean as to votes that could be legitimately struck off?—Yes, unquestionably.

2513. Do you think it likely that in an election in which there was only 10 per cent. difference between the majority and the minority, there could have been sufficient care taken in that respect when the *bonâ fide* objections on each side were respectively 1,454 and 4,485?—I think I can explain that in this way. We devoted our attention mainly to the borough, but I think the other side devoted their attention very largely to the county. I think we had a very much better borough survey, and the other side had a very much better county survey.

2514. To put it in another way; you are aware, I believe, that there were 1,800 objections made in one single ward, and that there were 1,453 objections made on one side in one ward, namely, in Scotland ward?—I could not say as to the figures; I know there was a very large number of objections made in that ward.

2515. Do you think that those objections could have been made on any ground but the nationality or class of the voters?—Very many of them were made for changes in residence, or errors in the register, which the barrister amended, and some for parish relief. I may say that the number of documents we received back through the post office for non-delivery was something astonishing.

2516. I am quite sure they were made without your own approval, but do not you think that where you object to one in every three of the population, a great many of those objections must have been fishing and improper objections?—No doubt a considerable number of them must have been. There was one difficulty with reference to it, that of the parish relief, which I believe was the explanation; indeed it was the explanation given to me by one party for making the objection, that he had reason to believe many of these parties were in receipt of parish relief.

2517. On the whole, you think they require greater protection than at present?—Yes.

2518. Viscount *Sandon.*] I think the line you took up was, that we could not properly argue from the last year, because it was an exceptional condition of things when the new Reform Bill was coming into operation, and the usual machinery was very much hurried, and its operations crammed into a very short period?—The usual machinery was quite inadequate for the work last year.

2519. Owing to the new Reform Bill?—Owing to the new Reform Bill.

2520. Your impression with regard to the present system is this, that though you say there are many faults, you think the improvements we all desire are not inconsistent with the main-

Mr. *E. Taylor.*

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tenance of the present system, with certain modifications?—No; with certain modifications.

2521. Mr. *Dilke.*] What did you mean by saying that people could, under the present law, send in claims at any time they pleased?—There is no limitation as to the time at which a man can send in a claim; the overseers receive them at any time.

2522. They are not obliged to receive them?—I have been told by them that they receive them at any time.

2523. Can you tell me any provision in any Act of Parliament, by which the overseers are obliged to do so?—I cannot tell you that, but I believe practically they do receive them whenever presented. I have seen some that have been served on them for the present year.

2524. They may do so in the borough of Liverpool, but they do not so everywhere?—I have made inquiries in Liverpool, and they will receive them at any time.

2525. That is a matter of private kindness on their part?—I think the overseers in Liverpool, on the whole, really have a desire to save themselves trouble, and by getting the claims put in it enables them to keep their rate books much more easily than they otherwise would do. I would wish to make this suggestion, that lodgers, after proving their qualification the first year in the revision court, should make a declaration for the second year before a magistrate, or other party authorised to receive such declaration, stating that they have resided in the same place, and that their qualification remains the same as when originally allowed by the barrister, and unless objected to such lodgers would not attend the court.

2526. Mr. *Wheelhouse.*] Would you repeat that year by year?—I would repeat that year by year, because otherwise I should be afraid you would have many changes in Liverpool. I think we have many magistrates in Liverpool: most of the lodgers being young men in offices, it would be very little trouble to them.

2527. You would take it before a local justice?—Yes.

Friday, 7th May 1869.

MEMBERS PRESENT:

Mr. Bourke	Mr. Hodgkinson.
Mr. Candlish.	Mr. Morley.
Mr. Collins.	Viscount Sandon.
Mr. Dilke.	Mr. Wheelhouse.
Mr. Harcourt.	

VERNON W. HARCOURT, Esq., in the Chair.

Mr. James Donaldson, called in; and Examined.

Mr. *J.Donaldson.* 7 May 1869.

2528. *Chairman.*] I believe you are Assessor the borough of Glasgow under the Lands luation Act?—I am.

2529. You have been so, I think, ever since commencement of the Act in 1855?—I have.

2530. You are also assessor under the Registion of Voters Act, are you not?—I am.

2531. By whom are you appointed to that ce?—By the magistrates and town council of city.

2532. By the Registration of Voters Act, 19 20 Vict. c. 58, you are constituted the autho- to make out the list of voters, are you not? Yes. In burghs where there is only one as- sor under the Lands Valuation Act the as- sor so appointed performs also the whole duties assessor under the Registration of Voters Act hout any further appointment. But in burghs ere there are more than one assessor appointed der the Lands Valuation Act, the magistrates l town council are required by section 7 that Act to nominate one of those assessors perform the duties of assessor under the gistration of Voters Act, the other assessor ng subject to his orders. In Glasgow there e two lands valuation assessors, and I was ap- nted registration assessor for the city.

2533. So that where there are several co- inate authorities, the municipal authorities ct which is the one who is to do the whole k?—Quite so.

2534. And the others who are not so selected , I understand, directed to assist him?—Yes; statute provides that they are to be subject he orders of the assessor so appointed.

2535. Mr. M'Laren has been good enough to e us the general principles of the registration Scotland, but what I am going to ask you to good enough to do, is to describe to us ctly the course of proceedings which you take naking out the list of voters in Glasgow?—Scotland a valuation roll is made up annually each burgh and county by assessors appointed that purpose under the Lands Valuation Act, & 18 Vict. c. 91, and which roll requires to completed by the 15th of August each year. order to the preparation of that roll, the ssors and their assistants annually make a vey and valuation of the whole property nin the borough, in order to ascertain what nges have taken place during the year, ther as regards proprietorship, occupancy, or ue, and also to take up and value all new property which may have been erected during the past year.

2536. Do the changes in the valuation roll in Glasgow amount to as many as 40,000?—To 40,000 last year, rather more than one-third. This survey occupies the assessor and 20 assistants nearly two months, from about the 1st of June to about the 25th of July. Sometimes it is completed about the 20th, and at other times continues to the 25th. It depends on the state of the weather as to the out-door work. The Registration of Voters Act requires the assessor to make up and publish the list of voters on or before the 15th of September.

2537. Therefore, in point of fact, for making out your list you practically have from the 1st of June to the 15th of September?—Scarcely so, because the valuation roll, which is the basis of the registration roll, is not completed until the 15th of August.

2538. While you are making your valuation roll, you are practically making your list of voters?—I am practically getting all the information I can with reference to the registration of voters, such as the residence of parties who are not householders, former occupancies, and all the qualifications necessary to entitle them to be on the roll, in addition to the information contained in the valuation roll itself.

2539. As soon as you have made that valuation roll, and have got all the information which you can obtain, do you then proceed to make out the list of voters?—Yes. Besides, the Reform Act of last Session requires the collectors of poor rates to deliver to the assessors, on or before the 1st July in each year, a certified list of all occupiers during the preceding 12 months who have failed to pay their rates, or have been exempt from rates, or who have been in receipt of parochial relief during that period. And before making up my alphabetical list of voters, these names are traced out and checked off as disqualified, and immediately the alphabetical list is proceeded with.

2540. I see that the number of persons excluded on account of non-payment of poor rates, or being exempt from payment on account of their inability to pay, or in receipt of parochial relief, is 12,258?—Yes. The collectors supplied me last year with upwards of 25,000 names, but only 12,258 were found still occupying premises within the city; 5,630 declined to state where their previous occupancies were, and the remainder must have

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have either died or left the city. Besides, there were last year 7,105 names on the valuation roll which were found not to have the necessary 12 months' occupancy within the city, and of course were not included in the list of voters.

2541. You consider it a part of your duty, when you find that a man does not appear for a year upon the valuation rolls, to supply him with a form in which to state whether he has or has not previously resided in some other house?—Yes; on the survey my assistants request every new tenant to state where he came from, where his former house was. In a great many cases they cannot get the information on the survey, and often the information, on checking it with the valuation roll of the preceding year, is found inaccurate; and in such cases circulars are sent to those parties requesting them to furnish the necessary information; and unless such information is furnished, and their names appear in the valuation roll of the year preceding, I do not put them on the register.

2542. Without further information?—Unless they supply the information and I find the name on the valuation roll of last year. If I do not find their name they require to claim, because I have no evidence before me, and I have no power of taking evidence further than the rolls.

2543. Then, practically, you make out the valuation roll at Glasgow from an actual survey of the occupiers between the month of June and September?—Yes; the removal term in Glasgow is the 28th May, and I proceed immediately thereafter, generally about the 1st of June, and the valuation roll is completed on or before the 15th August.

2544. Having made up your list in that way, you publish the list on the 15th of September?—Yes; I publish the list of voters on the 15th September.

2545. How is that list published and made known to the public in Glasgow?—The Act of Parliament requires the list to be affixed to some conspicuous place within the burgh; and the Cross of Glasgow, being the most conspicuous place, was selected for that purpose, and a copy of the list affixed thereto accordingly. It is also required that advertisements be inserted in the newspapers, where copies of the lists are exhibited for the perusal of the public, from the 15th to the 21st September. This was done last year in the Town Hall, and a very large number of parties availed themselves of the opportunity of inspecting those lists.

2546. Did you exhibit it only at one place at Glasgow?—Only at one place, according to the Act of Parliament, besides the one affixed to the Cross. But I left copies of the list at the two Exchanges, so as to enable parties at the west end of the town to see them, but that was not required by the Act of Parliament.

2547. How many names did you at the last election put upon the list of voters made out by you?—The exact number was 47,751.

2548. Those names I understand were all verified by a personal survey made by your assistants?—They were.

2549. How many objections were made to the names put by you upon the list?—None.

2550. How many claims were made?—197 of ordinary claimants.

2551. What was generally the nature of those claims?—63 of them were mere corrections of name or designation, and were admitted. A voter can select what ward he shall be put into, but must lodge a claim for that purpose, unless he inform me previously to the list of voters being made up. There were three of these transferred to other wards. There were 61 who had failed to give me the information required for their enrolment, but as the information contained in their claims was found to be correct from the valuation rolls, they were admitted; one claim was withdrawn, and 69 were rejected. That makes the 197.

2552. How long did the sheriff sit to revise the list at Glasgow?—I think three days.

2553. Do you yourself give evidence upon the claims before the sheriff?—Yes, the claims are lodged, and I go over the valuation rolls to see that the information given there is correct. If I find from the valuation roll that the information is correct, I mention that to the sheriff in open court, and produce the valuation roll, and he admits the claim without the claimant being present at all.

2554. He makes the correction upon your authority?—Yes; but in other cases, where I have no information from the valuation rolls, the parties are required to attend, and if they cannot prove their case the claim is rejected.

2555. How many lodgers' claims had you in Glasgow?—I had only 90.

2556. Does that, in your opinion, represent the persons in Glasgow who would be entitled to vote?—No.

2557. To what do you attribute the fact, that there were so few lodgers' claims at Glasgow?—I cannot exactly state the reason, except it was indifference, and the trouble they might be put to in proving their claims. Lodgers in Scotland are somewhat different from what they are in England. In Scotland we call all persons lodgers who occupy furnished apartments.

2558. That is to say, you would not consider a man a lodger who lived in apartments he furnished himself?—No.

2559. In Scotland, where a man lives in a room, or two rooms, on an open staircase, which he furnishes himself, should you rate such premises to the poor?—In all cases that is done.

2560. And he would be a voter just as much as a man who lived in a separate tenement?—Yes.

2561. I believe in Glasgow you rate everybody, whatever the value of their occupation?—Every name is included in the valuation roll, but there was one of the parishes that did not rate under 4*l.* till last year; that parish now rates every person whose name is in the valuation roll.

2562. So that every man living in rooms, of the furniture in which he himself is the proprietor, is rated in Glasgow, and subject to the disabilities of the law, would be a voter?—Yes.

2563. Mr. *Candlish.*] Have all these tenements social conveniences?—No; but there are many cases where they have such accommodation.

2564. *Chairman.*] I believe, lately, when your attention was called to Stamper's case, you expressed the opinion that in such a case as that in Scotland the parties would have been rated, and would have had votes?—Certainly; there is a very special definition of a dwelling-house in the Scotch Registration Act.

2565. What is that definition?—It is contained in the 59th clause of the 31 & 32 Vict. c. 48.

2566. That is the Reform Act, is it not?—

the Reform Act is now a part of the Regis-
n Act. It states that "Dwelling-house"
include any part of a house occupied as a
ate dwelling in any parish in which poor-
are levied, the occupier of which is sepa-
rated to the relief of the poor, either in
ct thereof, or as an inhabitant of such
h."

37. Mr. *Candlish.*] The question has never raised whether such occupiers as you have speaking of should or should not be separated?—Every occupier is rated.

38. Has the question ever come before your ior courts whether or not they were rate—No; it is so clear that it has never been ted.

39. *Chairman.*] Do you think if the means made more simple for lodgers to make their s, more lodgers might with advantage be n the list at Glasgow?—They might if it simplified; but the assessor could not him- r by his assistants ascertain the lodgers.

70. But if the lodgers sent in their claims, d you have any difficulty in ascertaining, gh your staff, whether or not the persons iming as lodgers were properly entitled to the list?—Not the least.

71. And there would be no difficulty in ing them in the same way as occupiers?—would require to value the rooms, less the ture.

72. That you would do through the staff at disposal?—It might be done.

73. Then I may take it generally that from experience of the matter you are able, with achinery at your disposal, to make on the a very correct list of the persons entitled te in Glasgow?—I have hitherto been able so; I have prepared these lists for years, and they have generally been d accurate. At the last election there were about half-a-dozen parties who were off the hat really should have been on it.

74. I think, in point of constituency, Glas- is one of the largest in the United Kingdom, not?—I am not at present aware of any r.

75. It is a town singularly fluctuating in opulation, is it not?—No; it is always asing.

76. What I meant by "fluctuating" was ing in the place of occupation?—Yes; there large number of parties coming into the for the first time from all parts of the try, and others leaving it every year.

77. On the whole, both as regards its size he character of its population, may we take be one of the most difficult to deal with, in ct to registration, that could be found?—I so.

78. How do you deal with the question of essive occupation in Scotland; that is to say, e a man changes his residence; do you enter upon your list for all the houses he has occu- or only for the last?—Only for the last.

79. If he has been for two months in his pre- house, and for two years in a previous house, would put him down for his present house ?—Yes. On satisfying myself from the ous year's valuation roll that he occupied a e elsewhere within the city, I insert him in the f voters for his present house; but in cases e I do not find the name in the former valua- oll, I do not insert the name, and leave such 3.

parties to claim. The only evidence I have for making up the list of voters is the valuation rolls of the present and the preceding year.

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2580. If you find a man upon the valuation roll of the present year in one house, and you find that the same man was in another house in the preceding valuation roll, you would put him down upon your list, but put him down only for the last house?—Only for the last house.

2581. You would be satisfied that he had resided a sufficient length of time in the borough, and you would put him down, but only for the last house?—Yes. I have a column in the circular sent to parties for information for entering the previous house, but that is not transferred to the list; it is for my own satisfaction.

2582. Supposing you found a man on the present valuation roll, and not on the last valuation roll, and your assistants informed you that they had satisfied themselves that he had been previously in the town, what should you do with him then?—Leave him out. I should leave him to claim as his name did not appear in the valuation roll.

2583. What is the object of the circular that you send to those persons; is it to instruct them how to claim?—No; it is generally to ascertain where their previous premises were.

2584. Supposing they write to you, and satisfy you?—Then I turn to the valuation roll and satisfy myself, after I have got the information where to look for it.

2585. You never put a man down in respect of a successive occupation unless you find him upon two succeeding valuation rolls?—No.

2586. When you have satisfied yourself of that you, I suppose, would support his claim or support his right before the sheriff?—Yes.

2587. What do you do in Glasgow with respect to people who occupy in several parts of the town who have several occupations which would give them each distinct votes; do you enter them several times or only once?—The City of Glasgow is divided into 16 wards numbered 1 to 16, for each of which a separate alphabetical list is made up, and although a man has several qualifications in different wards on which he is entitled to be registered, I enter his name only in one. Previously to 1861 a man's name was inserted once in each of the wards in which he had a qualification, but in that year the Registration Appeal Court ruled against the practice, and it has since been discontinued. The year after the decision I issued circulars to all such parties, requesting them to select the ward in which they wished to be registered, and on receiving these circulars back I gave effect to their requests. Since that year I have not issued circulars, but I insert the voter's name in the first ward numerically, in which it appears, leaving him to claim if he wishes it changed. Dealing with this matter is one of the most difficult parts of the assessor's duty, and without alphabetical lists it could not be well performed.

2588. From your experience do you think it very essential for the purpose of making a good and accurate register of a place like Glasgow that the control should be under one hand, which should superintend the whole affair?—It could not be well done unless it were under one hand.

2589. Supposing Glasgow were divided into three or four districts with a separate assessor in each, do you think it could be advantageously worked by three or four acting co-ordinately?—

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No, unless they were subject to the one, and acting along with him, and gave him the information. A party may have a qualification one year in one parish and the next year in another parish, and in the case of double enrolments it would be very difficult; indeed you could not trace them unless it were done by one hand and in one office.

2590. We were told by Mr. McLaren that in Glasgow you make your lists out alphabetically, and not in a street list; do you think that the original list, I do not mean the polling list, but the original list, might be conveniently made out as a street list, so that parties might look for their names in the street to which they belonged?—No, I think not.

2591. You prefer the alphabetical arrangement?—I do not think the street list would work well in Glasgow. We have voters having qualifications in different parts of the town, and you cannot trace them unless you get them in alphabetical order, especially where there is such a large number of voters. For polling purposes, also, the street lists would not suit.

2592. Your valuation roll, which is the basis of your register, is, of course, a street list?—It is in streets, and parts of streets, but not in the alphabetical order of the streets.

2593. Therefore you have to turn the street arrangement of your valuation roll into an alphabetical arrangement?—Yes, and then I commence to strike out the double enrolments.

2594. In point of fact your examination for the purposes of the register has been made upon the street arrangement of your valuation roll before you turn it into an alphabetical list at all?—Yes.

2595. Therefore, in point of fact, your investigation has been conducted upon a street arrangement?—Originally it has.

2596. Therefore it is only when you are making out what is with you substantially to be the register that you turn it into alphabetical order?—Yes; but I do not see how I could do it in a street list with any degree of accuracy. It would be impossible to trace the double qualifications by a street list. Besides the expense would be much larger from the necessity of printing two lists.

2597. You only print one list in Glasgow?—We print, in effect, one list. This is the list of voters. The sheriffs' corrections are made on the list originally prepared by the assessor, and that is printed, the printer keeping up the types until the registration courts are over.

2598. Your original list is practically so correct in the first instance that the amount of alterations upon it are insignificant?—They are insignificant, looking at the large number of voters.

2599. They are made by way of a sort of corrected proof of the original list?—Just so.

2600. And that becomes the ultimate register?—That becomes the ultimate register.

2601. In fact all the substantial revision of the list has been done by yourself before the publication of the first list?—It has.

2602. And it is only some slight errors which remain which are corrected before the sheriff?—It is.

2603. How many corrections in your list of 48,000 do you suppose were made altogether last year in Glasgow?—There were altogether 197 claiming, of which 127 were admitted and corrected.

2604. Before you leave them how many those had to appear to substantiate their clai and how many were done upon your authori —The larger portion would be done upon authority, but I cannot give the exact numbe

2605. Without their appearing?—Yes.

2606. That was practically the substantial of the alteration of the list?—Yes; if I had the information previous to making the list th parties would have been on, but they failed supply it.

2607. What is the cost of registration Glasgow?—The registration expenses, exclu of printing, was 424 *l.* previous to last year. whole accounts have not been got in for the sent list, but the clerks and other expen exclusive of printing and assessor's salary about 650 *l.* My own salary has not yet b fixed; it was previously 100 *l.*

2608. It was 100 *l.* under the old state things?—Yes.

2609. The last registration was, I supp much more costly than usual?—A great more costly.

2610. Will that continue to be so?—It continue to be so.

2611. You put the cost of registration, a from printing, at about 500 *l.* under the new r —No; not under the new rule. Under the rule, including my salary and other things, it 424 *l.* exclusive of printing. That includes cle my salary, and other expenses connected with office. This year the clerk's salaries al amount to 550 *l.*, and there are other expe such as advertising, and the rent of premises, bably 100 *l.* more; that is 650 *l.* My salary is included in that; it is not yet fixed, but if take it at say 200 *l.* that would make 850 *l.*

2612. Mr. *Candlish.*] As compared with 4 before the last Reform Act?—Yes. The w expense exclusive of printing was, previou last year, 424 *l.*

2613. Mr. *Dilke.*] Does that include the m cipal registration?—Yes; the same roll serve both Parliamentary and municipal elections first prepare the valuation roll. Then my duty is the registration of voters. Then I pare all the assessment rolls. My assistants, are engaged in these other things, continue whole year working at matters connected the various assessments. The whole expen the office last year was 3,500 *l.*

2614. When you speak of your salary, mean the extra salary that is given you for r tration?—Yes, the extra salary that is give the registration of voters.

2615. *Chairman.*] The figure you have g is that portion of the expense of your office w is due to the work of registration?—Yes, the

2616. Of course, that is lower than it w be if you had not a permanent staff employe that purpose?—A great deal.

2617. You have an office with how many manent assistants?—I have 20 permanent a ants.

2618. The cost of an office for that pur and of doing the registration, is the sum have mentioned?—Yes. During the reg tion I shall perhaps have 50 assistants short time, when we are preparing for the pri

2619. Do I understand you to say tha whole cost of your office for the year is 3,6 including the registration?—Yes; the reg tion was 424 *l.*, and the other expens

office were 3,021 *l.* In 1867–68, including ing and everything, the registration was

20. How much of that is printing?—£. 232.

21. £. 400 was the extra cost of making the ter?—The extra cost was 424 *l.*, exclusive of ing.

22. What was the whole cost, including re- ation, of your office; excluding the printing ters?—About 3,445 *l.*

23. For that sum you make the register, you keep a permanent office all the year d for making the assessments and the valua- ?—Yes; and even included in that there is e 100 *l.* of printing and stationery connected the valuation.

24. Can you tell us the total number of sments in Glasgow that you deal with in office?—There are upwards of 112,000 payers; but we have a large number of sments of various kinds.

25. What is the population of Glasgow?— in round numbers about 450,000.

26. Mr. *Wheelhouse.*] You say you are ap- ed by the magistrates and town council e city; are the magistrates and the town cil equal in their judicial functions, or are two separate bodies separately elected?— are the same body; the magistrates are ed by the town council from among them- s, and they sit in council along with the town cillors; the dean of guild is appointed by the hants' house, and is a councillor *ex officiô.* deacon convener is appointed by the trades e, and is also a councillor *ex officiô.*

27. So that every magistrate, in point of is a councillor in some shape or other, either lie or a councillor of the borough of Glas- ?—Yes.

28. You say you only exhibit the list in place, the cross at Glasgow?—In two places. hung up at the cross, and it is exhibited in blic hall; it was in the townhall last year. nerly it was in one of the offices connected the courthouse.

29. Practically, do you find that that is a cient publication for all ordinary purposes, or ou think any improvement could be made such publication?—In such a large town as gow it might be as well perhaps to have two s for exhibiting. There are more than two but that is not by Act of Parliament.

30. There are two others, one at each of the anges, which you of your own mere motion desirable, and so send out?—I send them or the convenience of the public.

31. So that, practically, there are four, ough there are only two statutory publica- ?—Yes.

32. At a time of considerable political ex- ent, would you think that with your effective , if I may so call it, of making out the lists, days would still be all that would be sary for the sheriff to sit to revise the list ughly?—No; if he had objections to con- it would take him much longer.

33. That, I suppose, would depend on the ber of objections, and possibly the number aims which were sent in?—Entirely so.

34. I see you say that the claims amounted 7, and out of those 61 were rejected. Was sheriff occupied the whole of those three ing days in such examination; I want to ome idea of how many he could get through 43.

per diem?—He was engaged the greater part of three days. On one occasion he was not the whole day.

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2635. How many hours did he sit?—Not more than five or six hours each day. He generally began at 12 o'clock, and sat till 5 or 6 o'clock.

2636. In reply to the Chairman, you said that there were only 90 lodger claims, and not nearly so many as you thought might be made if the process of claiming were simplified?—Not exactly that. I said if the process were simplified it might be so. I expected a much larger number of lodgers' claims than did come.

2637. Can you give us any practical suggestion by which your present Glasgow process could be simplified?—No, I do not see how it could be more simplified, with the exception of the lodgers. The lodgers might send in their claims much earlier.

2638. Do you think that that is the only simplification that could be introduced?—I think so. The assessor in that way could investigate whether the premises were of the full value necessary to put the lodger on the roll.

2639. Do you think the enlargement of the time would be the only simplification which would be available?—In the case of lodgers I think it would.

2640. I can understand that, for polling purposes, an alphabetical list is much more easy for reference and purposes of that kind, but I may tell you, that in Edinburgh it is thought that publication by street lists is the preferable plan. I understand you do not agree in that opinion?—No, my opinion is quite adverse to that, and I am satisfied that it could not be worked in such a town as Glasgow.

2641. Edinburgh has a large constituency, has it not?—Not near so large as Glasgow; not one-half.

2642. For a very large constitution you prefer an alphabetical publication?—It is not possible to have an accurate register with a street list.

2643. Supposing it could be done, would not a street list very much facilitate the finding, say of a person named "John Smith," seeing that there must be many "John Smiths" in Glasgow?—No, I have in my survey book a reference from the place of business to the place of abode; and it is easy to find the particular John Smith, because the residence is always given, as well as the situation of the property qualified on. There is a special column in the register for the residence or place of abode of each voter, which is a very complete test of their identity.

2644. Then, it is according to the fifth column of this list, that you identify whether the man is really a double voter, that is to say, whether the same man is on twice?—Yes; or rather according to the second column, where the place of abode is given, and with an alphabetical list, there is scarcely any possibility of persons being entered twice in the same ward. But in Glasgow we have 16 wards, and it is often necessary to strike them out of some of the other wards.

2645. I suppose a man may have a claim in each of those 16 wards?—Yes, he may; but I have never had a case where a voter has had a qualification in each of the 16 wards, but they have had them in eight or nine.

2646. In each of those instances you would only think it desirable to put him on the list once?—Only once. I put him in the ward in

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which he first appears, unless I have a request from him to the contrary.

2647. You only put him once on to your list? —Only once.

2648. Do I understand that every claim is sent in to your office when it is made in the first instance?—It is only persons whose names may have been omitted from the published list of voters prepared by me, or persons who are desirous of being enrolled for a different ward than that in which I have placed them who require to claim; and all claims must be lodged with me on or before the 21st September in each year.

2649. In the first instance it does not come to you from any other public body; it comes to you from the man himself?—The claim comes from the man himself. I do not know whether it is the claimant who carries the claim himself, but it must be made out and lodged in the individual name of the claimant.

2650. Would it come, say from a registration association, or from a sheriff's officer, or any person of that kind?—No, there is no public officer who sends claims to me. But there is nothing in the Act to prevent registration associations agents or other officers from sending claims to me in name of individual voters.

2651. You recognise nothing except such claims as, in your opinion, are entitled. When such a claim is delivered to you in writing, it does not matter how it comes, or from whom it comes?—I receive all claims that are presented to me on or before the 21st September, and I publish the names of such claimants on or before the 25th September, and thereafter hand over the whole of those claims to the town clerk, who hands them to the sheriff; and I attend the registration court at the adjudication of such claims.

2652. Have you found that in any instance political partisanship has had anything to do with the appointment of your under officials?—No.

2653. Is the town council of Glasgow formed upon political considerations; for instance, are the elections conducted upon Whig and Tory principles?—It is scarcely so now; we used to have a good deal of political feeling at the municipal elections, but that has greatly subsided, and it has been sometimes difficult in some of the wards to get eligible parties to come into the town council.

2654. At all events politics do not form an essential element in the conduct of the election? —Not in Glasgow.

2655. Mr. *Collins.*] I think I understood you to say that the roll is only exposed in one place at Glasgow?—It is exposed at the Cross, and also in the town hall. I supply a large number of rolls to lie on the tables, placed in the town hall, so as to enable some hundreds of persons to examine the roll at the same time.

2656. Is there much interest felt in a town like Glasgow about having their names on the roll?—Very great, particularly on the last occasion.

2657. Since the introduction of the minority vote?—No, since the last registration.

2658. That introduced the minority clause in Glasgow?—The registration of voters has nothing to do with the Minority Clause.

2659. It had to do with the question of whether a vote was anything, because it altered the relative proportion of voting power?—I am not prepared to say what was the cause, but the interest was very great.

2660. At other times, for the 20 years prior to the last election, I think there has been no p tical contest in Glasgow, has there?—No, not 12 or 15 years at least.

2661. Therefore, political feeling, in the se of Conservative and Liberal, or Tory and Wh has not existed prior to the last election?—Y it still exists.

2662. But not so as to have come into ac for many years?—Not in the election of M bers of Parliament.

2663. Mr. *Morley.*] What office do you h in reference to this matter?—I am the asse under the Registration of Votes Act, and prep the register of voters for the City of Glasgow

2664. Is a flat a lodging, a residence o storey or floor?—A residence on a storey floor, if it belongs to the occupier, is consid a dwelling-house, and is rated as such.

2665. What in your opinion would be a lodg —A person occupying furnished apartm alone.

2666. If a person held a flat, and let o room, would that be a lodging?—If the occu furnished the room himself he would be hel the occupier of that room, and rated as s We have many cases of that kind, they are ca sub-tenants, and are rated as occupiers.

2667. Have you any persons in Glas analogous to our freemen?—No.

2668. Mr. *Bourke.*] How many parishes there in Glasgow?—Four.

2669. Are the parishes co-extensive with boroughs?—No; we have in three of them a tion beyond the borough, the City parish, Barony parish, and Govan parish.

2670. Are the parishes co-extensive with union?—We have no union.

2671. *Chairman.*] Your office, in fact, su sedes all other parochial arrangements in r ence to rating?—Yes; I furnish the pari within the Parliamentary burgh of Glas with a copy of the valuation roll for makin their rate-books.

2672. Mr. *Bourke.*] They are not co-exter with the borough?—No; there is a small por of the City parish beyond, and there is al large portion of the Barony parish as well as tion of Govan parish.

2673. Your rating duties extend beyond registerial duties?—Yes; the clerk of supply the county furnishes the rate collector wi copy of the valuation roll applicable to that tion of the parish beyond the burgh.

2674. Then your rating duties are exactly extensive with your registerial duties?— rating duties are confined to the Parliamen borough, and a small portion of the city ps beyond the Parliamentary burgh; and I pare all the local assessments, of which we ha very large number, such as police, statute lab sanitary prisons, parks, city improvements, so on.

2675. How do you get the valuation rol that part of the parish in which you do not pare the valuation roll for the purpose of re tering?—The clerk of supply for the county nishes that. It is furnished to the parish, n me.

2676. Is he bound to do it *ex officio*, with you writing to him?—He is bound to do it. burghs it is the town clerk who is bound t it, but in Glasgow I do it, and the town c certifies it; but that is a matter of arrangem

2677. *Chairman.*] I forgot to ask you how

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ost of the registration is levied?—It is levied long with some of the smaller assessments. It levied along with the prisons, the registration births, and two or three other small assessents, which are all put into one. At present is two-sixteenths of a penny in the pound.

2678. Mr. *Dilke.*] Have you any knowledge the cost of registration of small boroughs in cotland?—No; it must be very small.

2679. In groups of boroughs there is an assessor each borough, is there not?—There is.

2680. There is a kind of divided authority here, in the preparation of the list?—No.

2681. There is no central supervision over it, there?—I think not.

2682. *Chairman.*] How is that in the counes?—The counties are in districts. In the unty of Lanark they have at least four assors. One of those has been appointed assessor der the Registration of Voters Act; the other ree or four are subject to him.

2683. So that one assessor would be appointed ief over all the rest?—Yes.

2684. You do not think that is done in the roups of boroughs?—I am not quite certain; rather think not, but it has not come under my bservation.

2685. Mr. *Hodgkinson.*] What is the qualifiation for the municipal franchise in Scotland?—very householder paying poor-rates, and those ho are not householders and resident beyond e borough having a 10 *l.* qualification within e burgh, but they must reside within seven iles of the borough.

2686. *Chairman.*] It is the same as the English stem, is it not?—It is very nearly the same, at in London the residence is within 25 miles.

2687. Mr. *Hodgkinson.*] What length of residence is required?—In a proprietor it is six onths.

2688. What is it in the case of a tenant?—In e case of a tenant it is 12 months.

2689. It is pretty much the same as the Parliamentary franchise, is it not?—I think they are oth the same, or as near as may be.

2690. You have two registers, have you not; ne for municipal, and the other for Parliamenry purposes?—No; in Glasgow the same gister does for both, because the municipal nd the Parliamentary franchises are co-extenve.

2691. The qualification is the same?—The ualification is the same.

2692. And the register is the same?—And the gister is the same.

2693. Mr. *Dilke.*] Omitting lodgers?—No; we ave lodgers, too.

2694. Do your lodgers vote in your municipal ections?—Yes, they always did; in Scotland a dger was admitted as a tenant under the old Act f 1832.

2695. You do not rate your lodgers, do you?—I do not rate them; previously to this Act the odgers were admitted as tenants.

2696. You said that the qualification for a municipal vote was householding and paying rates?—In the municipality the municipal voter and the Parliamentary voter is the same.

2697. I thought you said just now that the qualification was that a man should be a householder and should pay rates?—Yes.

2698. But your lodgers do not pay rates?—They are admitted under the Reform Act of 1868; there is no possibility of making them pay rates, and they are not asked to pay rates, the person letting the furnished apartments having paid the rates for the whole house.

2699. Then you say you let them vote for the municipality?—Yes.

2700. Surely you cannot make them vote for the municipality under the Reform Act?—Yes; it is stated that the Parliamentary and municipal registers should be the same.

2701. *Chairman.*] Where is that stated?—In the Scotch Reform Act. There is a Municipal Act, and that Municipal Act is continued and extended by an Act of last session.

2702. Mr. *Dilke.*] Then you have taken what was a registration provision as an extension of the franchise?—Yes.

2703. *Chairman.*] Do women vote for the municipality in Glasgow?—No; they are not admitted on the roll.

2704. Mr. *Candlish.*] It is not necessary to pay local rates in Glasgow in order to have a municipal vote?—No; but all electors must pay the poor-rates before they are put on the Parliamentary register.

2705. I understand you to say that lodgers appear both on the Parliamentary and on the municipal roll, and they will have votes both in the Parliamentary and municipal elections?—Yes.

2706. They are not ratepayers?—No.

2707. Then you have the municipal vote without the municipal taxation in the matter of lodgers?—Yes, in the matter of lodgers. It is not necessary under the Municipal Act that they should be rated.

2708. Then taxation and representation are not co-extensive in the municipal law of Scotland?—It is the same thing, because all parties have to be rated before they are put on the Parliamentary roll, with the exception of lodgers, and those are the parties that vote for the municipality.

2709. Mr. *Hodgkinson.*] Are you quite sure that the lodgers do vote at municipal elections. They are in a distinct part of the register, are they not?—They are not in a different part of the register, and they voted for municipal purposes last year, and in fact did all along. They formerly claimed to be, and were, enrolled as tenants and occupants.

2710. You had no lodgers on the register until the last registration, had you?—Yes, we had, but not as lodgers; they were called tenants and occupants, and admitted as such by the sheriff.

2711. Mr. *Candlish.*] Did they pay rates?—No, they did not; there was no rating clause.

Mr. Sydney John Mitchell, called in; and Examined.

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2712. *Chairman.*] I believe you reside at Birmingham?—I do.

2713. You have taken an interest in election matters at Birmingham?—Both election and registration matters since 1852.

2714. I believe you are desirous of giving us some information on the subject of registration?—I am.

2715. What are the points to which you specially wish to call our attention?—I have read your

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your paper and I say that the overseers are really the proper persons to make out the lists.

2716. What do you mean by the overseers; do you mean the unpaid overseer?—No; the officially appointed overseer, he is the person responsible to the parish for the collection of the rates.

2717. Does the overseer himself personally make out the list?—No, he does not.

2718. Who is the person who personally makes out the list?—In Birmingham it will be done by a chief clerk and in Aston also by another chief clerk.

2719. Have you seen the evidence given by Mr. Hawkes?—I have.

2720. I do not wish, unless there are points in which you differ from Mr. Hawkes, to go through the same circumstances again; but with reference to Birmingham are there any points to which you wish particularly to advert?—The chairman asked Mr. Hawkes, "Do you think, having regard to the state of the rate-book and the circumstances of the case that we are acquainted with, that the overseers are the best persons to form the voters' list?" To which Mr. Hawkes replied, "I do not think that they are in any respect qualified." Now, so long as you have a constituted authority and the qualification for voting is occupation, rating, and payment of rates, I say that the overseers are the most competent persons to make out the list.

2721. You have just told us as a fact that they do not do it; how do you reconcile that with the answer you have just given?—I reconcile that for the simple reason that no one individual would be competent to compile a list of 43,000 names for a borough like Birmingham; that duty must be delegated to some one, and a gentleman who holds an office in a similar capacity to the witness last examined, and who has under him 50 persons as assistants in order to compile a register is in the same position as the overseer of a parish.

2722. How long do the overseers hold office?—Twelve months.

2723. Do they change every 12 months?—No. I am not correct in saying it is 12 months. I think it is two years. There are a certain number who leave every year.

2724. Do you think it is desirable in doing such work as registration that you should have a new man come in every one or two years, or that it would be desirable that a business like that of registration, should be in the hands of somebody who had permanent knowledge and experience of the business?—A person who has permanent knowledge and experience must have access to the books prepared by the overseers.

2725. Do you think that the person to have the chief control in making out such a list as the register of voters, will be more likely to do it well if it is his business permanently to make himself acquainted with the principles of the register, or that you should have a tradesman or a man of business coming in new every year or two to it?—I think that the overseers should be the persons responsible to Parliament for the preparation of those lists.

2726. That is not an answer to my question, which was, do you think it is best that work of that kind should be done by a man who has long experience, from permanent employment in it, or that you should have a man coming in new to such work as this every year or two; which do you think is the best?—It would be better, no doubt, if you could have a man of experience in that position. The borough of Birmingham comprises three parishes, each forming part of separate unions. In that case, so long as the qualification is based upon rating, the information required is within the control and knowledge of the different parish officers, and if you appoint one man as the assessment clerk, or whatever name you give him, it would be impossible for him to compile his register without the information in the hands of the various overseers and their collectors.

2727. The question is, who is to have the superintendence of the list. I understood you to think that the list is most likely to be made out well if it is made out by a person who changes from year to year, and that he will do the work better than a person who has experience in it?—No, I say that the overseer should be the responsible officer; I do not say that he would do it better. I say he should be called upon to do it better. There is a sufficient law now to compel him, if that law be enforced.

2728. Your reason for wishing the present law to be enforced is from the experience that it has actually operated to make the overseers do the work?—Not that it has so operated, but that it might be made to do so.

2729. Have they done it hitherto?—They have not.

2730. Therefore that is your reason for being satisfied with the existing law, that it has not made the overseers do the work?—It has not been enforced.

2731. How do you propose to enforce it?—The revising barrister should be strict in that respect.

2732. Why has he not enforced it hitherto?—I am sure I cannot say.

2733. Why is he more likely to enforce it for the future?—If there were rules calling upon him in the conduct of his office to do so, perhaps that would influence him.

2734. What you propose is, that the revising barrister, under rules, should be called upon to enforce the obligation upon an overseer who has to go out of office immediately after the occasion for enforcing the rule has arisen?—The register is revised in the autumn of the year, and the overseers are invariably appointed in the spring so that there will be sufficient time to enforce distress on the overseer.

2735. What you propose is this: an overseer comes into office in the spring; he makes a list which the revising barrister finds fault with in the autumn, and before the next revision comes on, the responsible officer is to be a new man who is to come in, and then the revising barrister is to punish him again, and so on each year in succession?—Yes.

2736. So that there shall be a new man responsible for the register every year, and the revising barrister is each year to punish a new man; do you think that is a satisfactory system —It would not be satisfactory in that particular but the overseers should, as I say, delegate the office to one of their clerks; the chief clerks of overseers do not go out of office at the expiration of the year.

2737. Therefore you think it desirable that the man to be made primarily responsible should be the man who is not to do the work?—Yes.

2738. The permanent officer, who is really to do the work, is not to be responsible, but the changing man, who is not to do the work, is to be responsible

sponsible?—You cannot ask that a clerk to any rporate body should be responsible for a list.

2739. You think that the man who is to be re-onsible is to be the man who is not to do the ork?—It is the duty of the overseer to see that e work is properly performed.

2740. Now, what is the next point?—With ference to the compilation of the list; the pe-od has not been sufficient within which the erseer could do the work, nor would it be, en supposing the alteration is made according the dates suggested on this paper.

2741. I do not propose to adhere to those tes?—In the borough of Birmingham, on the st occasion, the register was prepared as accu-tely as a register could possibly be prepared, nsidering there were some 43,000 names.

2742. How many objections were there?—38; out of those 418 were sustained.

2743. Were those the objections on both sides?—Only one party objected.

2744. Which party was that?—The Conser-ative party.

2745. How many claims were there?—I do ot think I have the number of claims.

2746. What was the number of voters?—2,879.

2747. Did you hear the last witness state that, t Glasgow, a town much larger than Birming-am, there were no objections, and under 200 laims?—No, I did not hear it. My scheme for ltering the register would be such as to give the verseers a sufficient time within which to do eir work.

2748. You began by telling us that the over-eers are not to do the work?—No, I say that ey should; I maintain that the overseers are he proper persons to perform the duty. By overseers" I include their subordinate officers. I o not for a moment say that they shall do the ork themselves, personally. The gentleman ho was last examined has some 50 assistants, 0 of them permanent. He did not compile the st. His assistants are exactly in the same posi-ion with reference to him as the subordinate fficers are to the overseer. You make them verseers for the time being.

2749. He is a permanent officer, and he is the esponsible party for the list; he does compile he list on the information furnished by them?—I take it they stand in exactly the same position. With reference to the period for the compilation f the register. I would take the 25th of March s the termination of the qualifying period, if ou can go back as far as that. Then you have sufficient time within which to do the work in proper manner. I take the 25th of March in preference to any other day, or to the end of he month, for the reason, that the quarter-day sually terminates a great number of tenancies. Persons leave their occupations on quarter-days. f you take the qualifying period as from the 30th or 31st March, you destroy the period of occupation, and you call upon a man to prove hat he has occupied a house six days after the one that he has recently left; and I think if the qualifying period is to terminate with an actual enancy, there would be greater facility given for the registration of voters.

2750. What I proposed was, that that should be in June; what is the object of carrying it up o the quarter-day in March?—For this reason; assuming that the 25th March was to be taken s the day on which the period of 12 months was to begin, then my scheme would give the overseers until the 15th of May, within which to compile their register; and in the case of Birmingham, with 43,000 names, it is not an unreasonable thing to ask for six weeks, within which to do that work. In a smaller borough I can quite understand that less time would be necessary.

2751. When would you have the revising barrister sit?—I would take from the 15th May to the 30th June, within which to allow parties to make their claims. Mr. Alderman Hawkes's name has been referred to, and therefore I may be permitted to reply to him. Mr. Hawkes says that the lists are only published on the church and chapel doors; but Mr. Hawkes forgot that it is required that a copy of the register shall be open for inspection at the office of the overseers. It is there, and at all times the parties can have access to that list.

2752. If you put the qualifying period at March, when do you propose that the revising barrister should sit?—On the 20th of September.

2753. Do you mean to say that you would carry on the work of revision all the time, from March to September?—It would give greater facility; if the desire is that the voter should have greater facility to enable him to place himself upon the register, you must have a more extended period. If you allow persons to make claims up to the 30th June, it would take some time to compile the register. The present time is insufficient for the purpose, and I gave the overseer until the 31st July, within which to publish the claim list.

2754. The fact is that you are revising a list within six months of the qualifying period, and, in point of fact, postponing the completion of a man's title to his vote for six months after the date from which the title runs. Surely that is not a very convenient plan. For instance, according to your proposition, a man is entitled in March to his vote, but he will not get his vote until September, because the register will not be made out till September, therefore if an election were to take place at any time between March and September, the man would have no vote?—Neither has he at the present time, because the register comes into operation in December.

2755. According to the present arrangement, the qualifying period is the 31st July. Any man who has resided on the 31st July for twelve months will get his vote sometime in the month of October or September, according as the revising barrister sits. That interposes only two months between the times. I agree that more time is wanted, but six months appears to be too long a time?—It does not alter the time from which he obtains his vote, namely December.

2756. Mr. *Candlish.*] A man having his twelve months' possession ripening between March and June, if the time was the 25th of June, would come on the list, but according to your system he would be off for twelve months longer?—Yes, it facilitates the work, but the same difficulty would occur with the 25th of June.

2757. *Chairman.*] If your data were adopted, every man who now came to his qualification in the month of April, May, June, and July, that is for four months, would lose their votes, who would have them under the present system?—Yes; as I say, it is an extended period of three months.

2758. What is your special object in making it

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it the 25th of March?—Simply that tenancies terminate at that period.

2759. In Birmingham are quarterly tenancies much the custom, or are they not, especially with reference to the poorer classes, weekly tenancies?—Yes, with reference to the poorer classes, they are weekly. An inhabitant householder would be a weekly tenant.

2760. Therefore, that would not affect him very much?—No; it would in a great measure save the successive occupation claim.

2761. Are there any other points to which you wish to call our attention?—Yes, with reference to the street list. I can understand and appreciate the advantage of a street register, both for registration and political purposes. The street register would enable the overseer to do his work more quickly. I am satisfied, if a register were formed on the principle of a street list, the work of the revising barrister would take a considerably greater amount of time.

2762. The point to which we are addressing ourselves is, which would be the most convenient way in forming the register for people to ascertain whether they were or were not on the list, a street list or an alphabetical list, in your opinion?—An alphabetical list. In a borough of the size of Birmingham, in fact, in any borough divided into wards, it would be convenient to divide that borough into polling districts. We have in Birmingham an alphabetical register of 26,000. Now, for those 26,000 we had some 48 booths. I did not interest myself in the Birmingham election; but the arrangements of that election were such that the contending parties prepared their lists in two ways; one retained the alphabetical list intact, and the other cut up and divided the alphabetical list into polling districts, according to the booths. Now, it would be a great convenience to persons if there was a register compiled for the different wards.

2763. What you mean is, that every district should have its own separate alphabetical list?—Yes; that would increase the number of duplicates. My remedy for that would be this, that a man should not be at liberty to elect in respect of which qualification he should vote, but he should be called upon to vote in respect of the qualification in which he resides.

2764. Supposing that the list is still to be made up by the overseers of each parish, each overseer must put down every man who is qualified within his parish. He cannot say, "I will not put this man down because he resides in another parish." Suppose he lives in one parish and has got a warehouse of 10*l.* value in another, would you say that the overseer in the parish where his warehouse is should not put him down for that qualification?—The overseer should call upon him to elect whether he would take up the one or the other.

2765. Suppose the elector says, "Very well, put me down there," and he also says so to the other overseer; that is one of the results of the divided authority; how is each overseer to ascertain whether the man has been entered in the other parish or not, if they are to act independently?—My principle would be that a person shall vote in respect of the house in which he resides. If he desires to vote in respect of any other qualification, he should make a claim and show that he does not reside within the borough.

2766. I will put this case to you; a man has got three warehouses in Birmingham, each in separate parishes, and he himself resides in a house in a fourth parish, and there are four overseers to make out four separate lists for those four parishes; how could anyone of those overseers undertake the responsibility of omitting him for the qualification which he has in his parish?—For the reason that he does not reside.

2767. Suppose he does not reside at all?—Then he should claim; and should show that his residence is within the proper area.

2768. Which warehouse is he to be entered for, supposing he resides three miles outside Birmingham, and has got three warehouses in three separate parishes?—He shall elect which; my scheme would be, that if a person resides within the area he should be called upon to elect. I myself reside seven miles away, within the area.

2769. Then who is to call upon you to elect?—The law should require me to claim in respect of which occupation I wished to vote.

2770. The law would order the overseer to put you down in each parish; if you had an office in each parish the law requires the overseer to put you down if you have a qualification within the parish, and each of the three overseers would put you down?—The law would give a qualification by virtue of residence within the borough; in all other cases the parties would be called upon to claim their votes.

2771. Is there any other point which you wish to mention?—I am strongly in favour of rules and regulations for the conduct of the revising barristers' court.

2772. You would not say that the conduct of the revising courts is at present satisfactory?—No, most decidedly not.

2773. In what way?—In the proper conduct and business of the court, and especially with reference to appeals.

2774. In what respect?—I refer to rules both as to the examination of witnesses and as to the number of times a man shall address a court. I have known barristers hear cases half-a-dozen times, and half-a-dozen different speeches from the same advocate.

2775. Are there any other points you wish to bring before us?—With reference to the fining of objectors, I consider an objector performs an important duty, and should not be looked upon in the invidious manner in which he is at the present time; if you dissuade that man from taking part in the compilation of a register by fining him too heavily the register will be neglected. A register is never so perfect as when it is tested by means of political parties. A person occupying the position that I do could keep an accurate account of the qualifications, and, in the event of an election, tell from an analysis whether or not it would be advisable to resort to a scrutiny of the votes in order to test the election, rather than interfere with the registration.

2776. What position do you speak of?—I have acted as Conservative agent for North Warwickshire since the year 1852.

2777. You say you have at your disposal the materials by which you would ascertain the qualification?—I can do it.

2778. You can practically make out for your purpose a list of the people who were qualified? Yes.

2779. Could you do that in Birmingham?—No, I could not, not in a large borough like Birmingham

rmingham; but in smaller boroughs it could done, no doubt.

2780. You could do it?—I could do it in a all borough.

2781. You could do it yourself?—I could do myself. I do not say personally, but with sistants.

2782. In point of fact, you could do what the gistrar would have to do, viz., find out who as qualified?—Yes. With reference to the m of objection, it would be advisable to re- ire an objector to state his grounds of objection the same way as in counties.

2783. In practice it is very incomplete. He ly states the column, and very often the column es not state the objection. Suppose the objec- n is, that a man has received pauper relief?— he objection would then be to the nature of his alification. If the law is assimilated to that counties, there ought to be a provision in the ll that if an objector expunges the name of a ter from the list, he shall not be fined. If he kes two grounds of objection he is now liable to fine on each.

2784. That is the same as the rule at law, that a man chooses to plead a number of things, and ils upon particular issues, he pays the costs of ose issues whatever may be the general result the cause. That was the reason why it was opted in the counties, and the object was, that herwise you would defeat the real meaning of e thing, because a man would take every pos- ble objection, and, therefore, it would be the me as if no notice whatever were given?—The se I alluded to was this, I objected to two co- mns of the register, both to the voter's ad- ess and the nature of his qualification. I was correct as to his address and correct as to his alification. I struck his name off the list. In quarter of an hour afterwards he was sent for; returned into court, the case was re-opened, -heard, and I was fined 5 *s.*, although I struck e man's name off.

2785. That was the deliberate intention of the ommittee, because they say that otherwise a an would always take every objection, and take s chance of succeeding on one?—With reference claims. The present law is, that a man is lled upon to prove his vote. Now, I say, when e claim list is prepared, if a person does not ob- ct to the name, then that name ought to appear on the list of voters.

2786. In all cases of claimants?—Yes. If a aimant does not now present himself and prove s qualification he is struck off the list. The list ould be part of the register in that case.

2787. Would not that involve some danger of nfounded claims being made, and then people tting on the register simply because people do ot take the trouble to object?—The overseer is resumed to make out a perfect register, and if a erson's name is omitted who has a good claim, e ought not to be put to the trouble of attending the Court unless objected to. The overseer would object to all unfounded claims.

2788. Claims assume that the register has not been perfect, therefore if the overseer had done his duty ought not the presumption to be that the claim is ill-founded, or else the overseer would have put the man's name on the list?—I think the contending parties should be at liberty to object to a man in that position, and that being so I do not think there would be any danger resulting from a matter of that kind.

2789. You have not, I believe, had much experience as to lodgers?—There were 68 lodgers in the borough of Birmingham on the last occasion. My experience in the Registration Court of last year was such that if the lodgers are not tested very stringently there will be a great number of them who will come on improperly.

2790. That is not quite consistent with what you said just now?—I would treat lodgers in a different way; I would say that a lodger ought to prove his claim every year.

2791. Do you think the overseer might be called upon to examine the claim of the lodger?—No, he cannot do it.

2792. Why not?—For the reason that he would receive answer from the claimant that he had paid his father so much for board and lodging. The overseer would then be performing the duties of revising barrister.

2793. Did you hear Mr. Donaldson, the last witness, say that he thought he would have no difficulty?—Yes, I disagree with him very strongly. With reference to the compilation of the register, the register for the city of Coventry contains freemen, 10 *l.* occupiers, and inhabitant householders, in one list.

2794. Of that you approve?—Yes.

2795. You would mark the freemen by an asterisk?—Yes. To show that, in some cities, the registers can be perfectly compiled, I may mention that, in the city of Coventry on the last occasion, only five persons were struck off the list.

2796. How many objections were taken at Coventry?—Very few; perhaps not more than the actual number struck off. The register is, no doubt, done in a very accurate manner.

2797. Mr. *Bourke.*] You think that, in fact, the chief work is now done by the assistant overseer and the rate collector; you think they are the proper people to do it, but you think it would be, at the same time, a good thing to put over them some supervision in the shape of one man, no matter who that man would be?—Yes.

2798. The clerk to the assessment committee, or some other man, to be called the registrar?—Yes; if your borough is co-extensive with your union area, the one officer should perform that duty. In the borough of Birmingham we have three parishes in separate unions; there is one rate for the borough. If the register were compiled from the borough-rate, then we should have one register.

Friday, 4th June 1869.

MEMBERS PRESENT:

Mr. Bourke.	Mr. Hodgkinson.
Mr. Candlish.	Mr. Lefevre.
Mr. Collins.	Mr. Morley.
Sir Charles Dilke.	Mr. Rathbone.
Mr. Harcourt.	Mr. Wheelhouse.

W. VERNON HARCOURT, Esq., in the Chair.

Mr. John Lambert, called in; and Examined.

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2799. *Chairman.*] What is the exact designation of the office that you hold in the Poor Law Board?—I am a Poor Law Inspector; Inspector of Auditors.

2800. Have you personally any cognizance of the working of the existing registration system?—I have. I have had occasion to consider it a good deal within the last three years.

2801. You, I believe, were largely consulted in the drawing of the recent Reform Bill?—Yes; and in the Reform Bill of 1866 also.

2802. In your opinion is the present system of forming the register at all satisfactory or complete?—I think it is not satisfactory at the present time, and I think also that it is not complete.

2803. With regard specially to the present condition of the rate book as a basis for forming a register, without reference at all to the franchise, has the occupiers' column of the rate book been hitherto kept in such a complete form as to form a satisfactory groundwork for making out the list of voters?—I should first of all wish to refer to the period before 1867, during the time when composition was in force. At that time, although strictly speaking the overseers were bound to put the name of every occupier upon the register, they had no particular inducement to do so, when the landlord was under the obligation to pay the rates, either in the shape of a reduced rate or in the form of a composition.

2804. I think I am right in saying that so far as the statutory enactment went, or so far as the orders of the Poor Law Board could go, the injunctions to the overseers and to the rate collectors were most explicit to fill up the occupiers' column accurately?—Yes; under the Parochial Assessment Act, 6 & 7 Will. 4, c. 96, the overseers are required to make the rate in a particular form, which is set out in a schedule to the Act. Under the second section it is provided: "That every such rate made after the said period shall, in addition to any other particular which the form of making out such rate shall require to be set forth, contain an account of every particular set forth at the head of the respective columns in the form given in the schedule to this Act annexed, so far as the same can be ascertained," and one of the columns in the schedule is headed by the words, "Name of Occupier."

2805. In your judgment, so far as statutory enactments went, or so far as the order of the Poor Law Board could go, had all been done that could well be done to insure the accurate keeping of the occupiers' column in the rate book?—Generally speaking I should say so, but I ought at the same time to mention, for the information of the Committee, that under the statute there was no penalty imposed upon the overseers, although I apprehend they might have been indicted for disobedience to the Act of Parliament, in omitting the names of the occupiers from the rate books; but if they disregarded the order of the Poor Law Board, which required them to insert the names of the occupiers they would subject themselves to a fine of 5*l.*, I think, if they wilfully omitted to comply with that order.

2806. Should I be right in supposing it to be your opinion that if anything is to be done towards making the occupiers' column in the rate book more accurate than it has hitherto been, it should be looked for rather in some change of system, than in additional penalties or in additional legislation?—I should say so.

2807. Will you proceed to state what is your view of the occupiers' column in the rate book before and after the recent Reform Act?—In the metropolitan boroughs, for instance, in Finsbury, Lambeth, and Southwark, there were compounding Acts in force prior to the passing of the Representation of the People Act. In the borough of Finsbury, in the parish of Clerkenwell, in almost every case the compound householder's name was put upon the rate book, and from thence it was transferred to the register. In the Holborn Union none were put on, although there were nearly 700 compound householders. In St. Giles's, and St. George's, Bloomsbury, none were put on although there were 982. In Islington none were put on, although there were 3,800 persons above the 10*l.* line. In St. Luke's none were put on, although there were 2,000 occupiers above 10*l.* In South Lambeth there were 5,781 put on, because there they had an assistant overseer, who superintended the collectors, and he believed (and rightly) that it was his duty to see that the names of all the occupiers were put upon the register. In Camberwell

rwell, another parish in the same borough, though there were 5,000 compounders, only e of them were inserted on the register; hereas in Newington, the third parish in the me borough, 4,300 were put upon the register. ien to take Southwark, in the parish of St. eorge-the-Martyr, there were about 2,000 put on the register. In Bermondsey, there were out 4,000; but in Rotherhithe, where there ere nearly 2,000 compound householders, not a ngle one got upon the register.

2808. Does not all that tend to show that the irness and completeness of the register depends on the character of the superintendence which exercised over the persons who actually make ?—It does.

2809. Mr. *Lefevre.*] Does it not rather arise om the different views which were taken of the ty?—No doubt it was in some instances om that cause also. In some places it was con-luded by the overseers that they were not under e obligation of putting those people upon the gister, but that if they chose to claim to be rated ey might do so; but even then the overseers itted their names from the rate book, although ey had claimed, leaving them to claim a second ne to come upon the register of voters, and, of urse, this gave those people so much trouble at they did not do it.

2810. Mr. *Collins.*] What has been your perience since the passing of the Act?—Since e passing of the Act, so far as I am aware, the mes of the occupiers have been placed on the e book with tolerable accuracy. At the pre-nt time, as the Committee are aware, the cupier is the only person liable to pay the te, and unless his name is on the rate book the te cannot be recovered.

2811. *Chairman.*] Is it not the fact that here the rate collector is satisfied, even now at he will get a rate from the owner, he is mparatively indifferent as to altering the name the occupiers' column. Supposing that one cupier goes, and another comes in his place, if e rate collector is constantly in the habit of tting the rate from thelandlord, would he not careless as to making the alteration?—He uld be much less careful, certainly.

2812. Would it be your opinion that, for the ture, in proportion as composition, or anything sembling competition, is restored, or in pro-rtion as the system obtains more and more of yment by the owner upon agreement with e tenant, there would be a tendency to the cupiers' column becoming inaccurate?—Clearly . In some of the boroughs the changes are ry frequent indeed. I believe that in Bir-ingham the changes amongst the lower occu-ers are at the rate of about 60 per cent. in the ar; and, a short time ago, I ascertained from a te collector in one of the East End parishes, at as many as 300 changes in occupation took ace between the time when the overseers com-enced the making out of the rate and the time hen it was completed.

2813. Therefore, in proportion as departures cur from the system of absolutely raising the oney personally from the occupiers, the occu-ers' column is likely to become, unless further eps are taken, inaccurate?—Clearly.

2814. The Committee, I think I may properly y, have tended to the conclusion that it is a sadvantage that in one borough the business making out the lists should be left to nume-

rous authorities, like the overseers in boroughs, where there are several parishes, and their disposition, I think, is to try and discover some single authority, or as near a single authority as possible, who shall conduct the business; and I think also I may say that their tendency is towards selecting the assessing authority or a clerk to the assessing authority; the Committee would be glad if you would state to them your views as to the advisability and practicability of adopting such a scheme as that?—I have no doubt that it would be a practicable scheme, and I think also that it would be attended with many advantages. At the present time, as the Committee are probably aware, the clerk to the board of guardians in the Irish boroughs makes out the list of voters. Under the Act of Parliament, he may require the assistance of the collectors, but he is the person who is responsible for the list of voters. I have before me the circulars addressed to the union clerks.

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2815. In Ireland there are no overseers, are there?—There are no overseers.

2816. Therefore they are practically the only persons who could do it?—The collectors who are appointed for either baronies or divisions of baronies could do it. The baronies correspond with electoral divisions, and they may also be said to some extent to correspond to our parishes; but the union clerk makes out the rate, and also the list of voters, and the collectors are required by the Act of Parliament and by the instructions of the Poor Law Commissioners to render him any assistance.

2817. Can you tell the Committee at all whether the registration business is supposed to be done satisfactorily in Ireland?—I believe it is done very satisfactorily; the union clerks in Ireland are very excellent officers generally, and are very attentive to their duties.

2818. You have stated that that is the case in Ireland; may I ask you whether in England the assessment body employs the rate collectors for that purpose; or have they a different staff for making out the valvation lists?—It is, I may say, the same staff. At the present time, the course pursued in making out the valuation lists for the purpose of assessment is this: the overseers in the first instance make out a list for each parish, which list is transmitted to the assessment committee; the assessment committee revise this list, and their officer is either the clerk to the guardians or else the assistant clerk to the guardians.

2819. Supposing that we placed the registration in the hands of the clerk to the guardians or the clerk to the assessment committee, would he have control over the rate collectors so as to superintend them, and see that they did their duty properly?—It would be necessary, I think, to clothe him with some additional authority.

2820. That of course could be done either by legislation or through the authority of the Poor Law Board?—Yes; I think it is probable that some legislation would be needed, but I am not quite certain upon that point. Perhaps while I am upon this subject I may mention, for the information of the Committee, that to some extent the clerk to the union at the present time does undertake the duty of revision, so far as regards the register of owners to vote in unions. Under the Poor Law Amendment Act of 1834, 4 & 5 Will. 4, c. 76, the owners of property are entitled to vote in the election of guardians, and the

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the Act requires that the names of the owners in parishes where the population exceeds 2,000 should be inserted either in the rate book or in a separate register book kept for the purpose.

2821. That is not the parochial franchise, is it?—That is not the parochial franchise, but it is the franchise which is conferred upon owners with reference to voting in the election of guardians. By the 7th and 8th Vict, c. 101, s. 15, it is enacted that "the overseers of every parish containing a population exceeding 2,000 persons, according to the last enumeration of the population published by the authority of Parliament, shall, on or before the 5th day of the month of February in every year, enter in the book to be from time to time provided for the purpose, the names and addresses of all persons who, before the 1st day of the said month of February, have given such statement, or made such claims as owners or proxies as aforesaid; and such overseers shall allow any person to peruse such book, without payment of any fee, at all reasonable hours, between the said 5th day and the 10th day of February; and any person who has given such statement, or made such claim, or any ratepayer of such parish, may, on or before the 15th day of the said month of February, object to any other person as not being entitled to vote as such owner, by delivering to the clerk of the board of guardians of the said parish, or of the union in which it may be comprised, and at the address of the person objected to, notice in writing of the grounds of such objection; and on or before the 20th day of such month of February, such clerk shall send to the overseers of such parish notice of some day, between the 24th of the said month and the 1st of March then next, on which he, or some person duly appointed for the purpose, will hear evidence in relation to such objection."

2822. So that, in point of fact, the clerks to the unions do at present, with reference to that franchise, exercise the functions of revising barristers?—Yes; they are empowered to administer an oath, and to hear all the objections, and their decision is final.

2823. Therefore they are at present constituted, as far as the owners' qualification for the election of guardians is concerned, a registering and revising authority, are they not?—Quite so. The words further on in the clause are to this effect: "And in case any matter be adduced in support of the objection, and the right of the person objected to be not proved to the satisfaction of such clerk, he shall expunge the name of such person from such book; and such clerk shall have power to adjourn from time to time, and administer an oath to the overseers of any parish, and to all persons attending before him claiming a right to vote as owners, or objecting to such right, and to all witnesses who may be tendered or examined on either side."

2824. You have been kind enough to cause to be prepared for us a list of the boroughs of England which are within one union, those which are within two unions, and those which are within three or more unions, have you not?—I have. (*The same was delivered in*, vide *Appendix.*)

2825. Will you state the result of that document?—The result is this, that there are 135 boroughs in one union only; 25 boroughs in two unions; and 39 boroughs in three or more unions, making the total of 199 boroughs.

2826. Therefore, as regards the great majorit of the boroughs in England, by taking the cler of the assessment authority as the registerin officer, you would get one officer to superinten and to conduct the business, would you not?- Yes, by taking the clerk to the assessment com mittee, who is in fact the clerk to the guardians

2827. Then there would be 25 cases in whic if no other arrangement were made, there wou be two officers superintending it; and in 39 cas there would be more than two, would there no —Yes; amongst those 39 are places like Ea Retford, which are almost counties, and th metropolitan boroughs.

2828. Mr. *Lefevre.*] I suppose that in a co siderable number of those 135 boroughs, whic you have mentioned, the borough would be o parish only of the union?—No, as a rule sever parishes; I have not a list of them here, but could produce a list to the Committee showin the number of parishes within the borou wholly or partly.

2829. That is to say, only a part of the union —Exactly; there are many parishes, as th Committee are aware, which are partly with and partly without the boroughs. The parochi boundaries have been ignored in a great numb of instances.

2830. *Chairman.*] You have stated th among the 39 there are several places like Ea Retford, Aylesbury, Shoreham, Cricklade, a Much Wenlock, well known boroughs, whi have been always treated in all legislation think as exceptional?—Yes, in some respects.

2831. If I remember rightly, the rule as the cost of the conveyance of voters is n applied to those boroughs?—No, they are e cepted.

2832. In point of fact they are what is call sham counties, are they not?—Yes, Much We lock is from one end to the other 27 miles.

2833. And many of the 39 would be metr politan boroughs, would they not?—Yes.

2834. As regards the metropolitan borough if we took as a definition the assessing authorit that would practically, with reference to th majority of them, leave the register, as it still in the hands of the vestry clerks, would it no —As regards 22 single parishes which are n in union that would be the result.

2835. Those parishes are probably of a magn tude which would make it not worth while seek to consolidate them any further?—Th are larger than some unions, St. Pancras, f instance.

2836. Therefore you would see no particul advantage in desiring further to consolida them?—No, they are very large and ver thickly populated, and there are an immen number of voters in them.

2837. Is it your opinion, as far as you a aware, that the vestry clerks are very compete persons, and that the work is sufficiently w done?—The greater number of them are qui competent persons.

2838. There would be some of the metr politan districts which would come within t union definition, would there not?—Yes, t City of London. There are I think 96 parish in the City of London Union.

2839. Then you would get rid of 96 separa lists, would you not, by substituting the unio —Yes.

2840. Would the whole of the Parliamenta

ity of London be within the City of London nion?—No, there are three unions; there is e City of London Union, the West London nion, and the East London Union. At this oment I do not remember the precise number parishes in the other two unions, but probably ere may be about 14 or 15 in the two.

2841. Is there now a project for making those ree unions into one?—In the Metropolitan oor Act Amendment Bill, which is now before e House, there is a clause enabling the Poor aw Board to dissolve unions without the con- nt of the guardians, and the object of that ause is to enable the Poor Law Board to unite e three City unions into one.

2842. That only applies to the metropolis, I ink?—That only applies to the metropolis.

2843. If a policy of that kind were in future be applied to the county at large, is it not robable that the number of boroughs which are ithin several unions would in the course of a w years be largely diminished?—I am not pre- ared to say that, because a great number of hose unions are very considerable in extent.

2844. But might it not possibly occur that if he Poor Law Board had authority over the mits of unions they might, where there was a rge union, forming a great portion of a borough nd a small piece of another union in that orough, take that small piece out of the one nion and put it into the predominant union of he borough?—They can do that now. The oor Law Board have power to sever any parish rom one union and add it to another, but there s no power to mass unions together.

2845. In the case of Oxford, for instance, there re two unions, the Oxford Union, and the eadington Union; is it in the power of the oor Law Board to add, for instance, the two arishes of St. Mary and St. Clement to the eadington Union?—I am not aware whether here is any provision in the Oxford Act to he contrary, but if there is not, it might be one.

2846. Could you take part of one parish which s one union?—No; you must deal with the ntire parish.

2847. Mr. *Candlish.*] The parishes have never been severed under the Poor Law system, have they?—No; I am speaking of a parish as mean- ing a township; a place which separately main- tains its own poor.

2848. *Chairman.*] If we placed the registra- tion in the hands of the clerk to the assessing authority, would he not practically do the work, by setting the rate collectors to make out the lists under his superintendence and direction?—Yes; the rate collectors, from their local knowledge, would be the best persons who could be em- ployed.

2849. Do you see any objection to their being employed also to verify and to ascertain the validity of the claims of lodgers?—It would give them a good deal more trouble in some instances, but I see no real objection to it.

2850. Am I right in the opinion that at present the remuneration which is given for the purposes of making out the register is not adequate in large parishes?—There is no fixed scale of remu- neration, but the overseers take their accounts before the revising barrister, and he allows the account in open court, subject to the right of any person who happens to be present to object to any item in the account.

2851. The overseer, of course, gets nothing?—He gets his travelling expenses in attending the court, costs out of pocket, printing and so on.

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2852. The rate collectors are in many cases very inadequately paid, are they not?—No doubt; there are two classes of paid officers who col- lect rates; there are assistant overseers appointed by the vestry, under the Act of George the Third, and there are the collectors appointed by the guardians under an order of the Poor Law Board. The assistant overseers, as a rule, are inferior officers to the collectors; many of the assistant overseers are simply appointed assistant overseers to keep them off the parish, getting 4*l.*, 5*l.*, or even 2*l.* a year; and some of them can scarcely read or write.

2853. And those are persons to whom in many cases the making out of the list on which the register is founded is left?—Yes; but my remark as to the incapacity of some of those persons applies more to the country places than to the towns.

2854. Mr. *Candlish.*] It would only apply to a limited number even in country places, would it?—To a very considerable number indeed; we are inundated with correspondence from the beginning to the end of the year as to the inca- pacity of these people.

2855. *Chairman.*] With reference to the ques- tion of the allowance of remuneration for doing this work, do you think that the determination of that might properly be left to the Poor Law Board?—In Ireland, where the clerk is the registration officer, or at least where the clerk superintends the preparation of the lists, it forms part of his official duty, and it is covered by his salary, but the salary is made commensurate with the labour.

2856. In Scotland we learn that the valuation officer, who is also the registration officer, is paid an additional sum for his registration work; and also in a great town like Glasgow finds it neces- sary during the registration months to employ additional hands; and he has authority to pay them; do you see any objection to such a system as that?—No; if it were placed under proper supervision.

2857. And that the account should be passed by the Poor Law Board?—It should be passed before the auditor of the Poor Law Board in the usual way; of course it would be desirable that some fixed scale of remuneration should be settled, as far as practicable.

2858. One view which has presented itself to the Committee is, that it would be very desirable instead of bringing the whole business of the amendment of merely formal errors before the revising barrister, that during a period preceding the sitting of the revision court the registering authority should have power himself to amend errors in his lists; does it seem to you that if it is placed in the hands of such persons as we have suggested, that would be a good system to establish?—I think it would be a great saving of expense, and at the same time a great conve- nience to the electors generally.

2859. If some system of that kind were adopted, might not some expense be saved, so as not to make it more burdensome upon the old parish? —Certainly; if you once started with a good system of registration, you would simply require an annual revision.

2860. The cost of keeping the lists in order would be comparatively small, would it not?—

 Certainly.

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Certainly. I may mention that I consider that having a registering officer, a person having jurisdiction over the whole, or nearly the whole of the borough, would be advantageous in this point of view: that it would facilitate persons coming on the register who had changed their residences in the course of the year. I spoke just now of the number of changes in Birmingham. The probability is that very few of those persons would come upon the register, because if they went from one parish to another the overseer in the parish to which they had gone would not know from what other parish they had come. If he looked to the rate book, he would see that they had only been there four or five months, and he would not put them on the register. Those people would not take the trouble to claim; but if you had a registration officer who had before him the rates of the several parishes in the borough, and had control over the different authorities, such as the collectors, who would have information about everybody, some means might be contrived, by which those persons might get upon the list of voters, in the first instance. At Chorlton, near Manchester, the overseers put out a notice to persons who had changed their residence, and intimated that if they attended with the rate receipt on a given day, and if those receipts were satisfactory, they would put them on the list without further trouble.

2861. If a registering authority were established in a borough, would not a great number of modes of facilitating the making out of the list be open to him?—Certainly, if it were made obligatory upon each rate collector, upon a change of residence, such as one man going to another parish, to report it to the clerk of the guardians; he would have an opportunity of reference to the other collectors of that parish, to ascertain whether that person had gone there, and then there would be no difficulty in putting the name upon the list.

2862. That is to say, each rate collector would report when a man left a house in one parish, and also when a man entered a house; and by comparing the two lists, the successive occupants would become apparent at once, would they not?—They would; in large boroughs, where there are large numbers of householders newly enfranchised, the changes are so great that, unless you have some arrangement of that kind, a very large portion of them must necessarily be omitted from the list altogether.

2863. At present, I take it that the general rule is to make the register out simply as a transcript of the occupiers' column of the rate book?—Yes, taking two rates, one at the beginning, or immediately before the beginning of the year, and one at the end.

2864. Consequently, if the rate is made in March, there is no process, is there, by which any independent investigation is made of the qualification in July?—None whatever; the rates as a rule are made in April. The overseers go out of office on the 25th of March, or within 14 days afterwards; and then when the new overseers are appointed they generally begin by making a new rate.

2865. Therefore a man whose qualification becomes complete between April and July will almost as a certainty not be put upon the overseers' list?—If they took the April rate, and the last rate in the following year, he would come on.

2866. But how does the overseer perform that impossible task which is imposed upon him by the Legislature, of publishing on the 1st of August the name of everybody who is entitled to vote on the 31st of July?—Generally speaking, he would take the last rate of the preceding year and the last rate of the existing year; and if he finds the man on both rates, he would transfer him to the list of voters.

2867. But he might not be on the corresponding rate of the preceding year, and yet he might be entitled, because his term of residence might become complete, we will say, in June?—Clearly so, because a considerable number of persons change their residences about Midsummer.

2868. Therefore a man whose qualification becomes complete by residence in June will almost certainly not come upon the overseers' list; is not that so?—In a very large number of instances he would be omitted.

2869. That all tends, does it not, to show the advantage of rather throwing back the qualifying period?—Throwing back the qualifying period so as to bring it to the time when the rate is made; viz., soon after the commencement of the parochial year, which is from Lady-day to Lady-day.

2870. In any case, does it appear to you that it would be a good thing that, having once fixed the qualifying period, the date at which the list of persons qualified at that period should be published should be placed at some considerable interval, so that there might be some verification of the persons who were there at the qualifying date?—I think it would be desirable.

2871. And I suppose it would not be a very difficult process, having the rate book, and the rate collectors being constantly on the spot, to verify whether or not the persons were present in their occupation at the qualifying period?—Certainly, there would not be much difficulty about it. I am supposing that there would be an adequate staff of collectors, with persons appointed to assist them if necessary.

2872. In that period they would be going about collecting the rates, would they not?—Every day; but the necessity of verifying the register would chiefly apply to the lower classes of occupiers. The other classes are persons who remain on for years in the same houses, and are perfectly well known.

2873. According to your view, with your great experience of parochial and borough arrangements, would it be an improved system to place the authority of registration in the hands of the clerk to the assessing authority, and to give him power and control over the rate collectors, so as to form the basis of the register?—I think it would.

2874. And also to give him the power of revising his original list, and of correcting such errors as may occur in it before the list is presented for final revision by the barrister?—Precisely so. Of course persons should have a right to appeal against the decision of the clerk. I may say that although this system of registration under the Poor Law Acts with regard to the owners of property has now been enforced for over 30 years, we have never had a single complaint to the Poor Law Board as to the manner in which the clerks have discharged this duty.

2875. Do you anticipate any political bias improperly operating upon their conduct?—I should say not, as a rule, though there may be a few isolated instances.

2876. If

2876. If such a thing occurred, has the Poor w Board authority to deal with it?—Yes, ey would have power, if any clerk neglected s duty, to discharge him.

2877. If a complaint was made that he was ing improperly, could the Poor Law Board al with the case?—They would investigate it, d if it were proved that he was unfit for his ice, or for the discharge of his duty, the Poor w Board have the power of dismissing the rk.

2878. It has occurred to me that it might be good thing to call upon the revising barrister ch year to send in a regular report of the gistration, and to say how many claims and jections there had been, and, in his opinion, w far the work had been well done in the eparation of the lists; and that that might be ne check upon the system, and would be some couragement to those who did it well; do you nk that it would be a good thing if such an nual report were sent in to the Poor Law ard?—Yes; it could be sent to the Poor Law ard or to the Home Office; probably to the me Office, because that is the department ich has the control of matters in connection th Parliamentary registration.

2879. So that the persons in charge of the mation of the register would know that their duct was constantly subject to superintennce, and that if it was done well they would t the credit of it?—There would be no difficulty whatever about it; the auditor who now dits all the parochial accounts reports at the d of the half year whether or not the books ve been properly kept, and all the defects ich he has found in them.

2880. And then there would be a constant dy of information as to the working of the gistration system in the archives of the Poor w Office, or of the Home Office, would there ?—Yes.

2881. Does anything else occur to you which u would wish to suggest?—There is one thing, ugh it is only a small matter. There is a estion in Wales with regard to the proper rson to print the register in the contributy boroughs. There are in Wales, as the mmittee are aware, several boroughs grouped ether, and the question has lately been raised to who is the proper person to print the reter. I would just draw the attention of the mmittee to it, in order that the point may be termined. There are town clerks in many of contributory boroughs, and in some instances y make out the register for each contributory ough, whereas in other instances it is the town rk of the chief borough who makes out the gister for all the boroughs. It is a moot point the law at present stands, and it is desirable have it settled.

2882. In the Radnor boroughs, with which u are familiar, there is a place called Cefn, ere there are three voters; is there not?—ere are about three voters; there was one er as a 10*l.* occupier under the old Act, and the Representation of the People Act I think constituency was trebled.

2883. Mr. *Rathbone.*] In this place where the vn clerk of one borough has to get the infortion from the contributory boroughs, he uld have, would he not, to get the information m officers who were not under his control in way?—Yes; I am speaking of the printing

of the register of voters, and not of making out the list; he does not get together the list.

2884. Mr. *Lefevre.*] Did I understand you to advise that all objections should be made in the first instances to the clerk of the assessment committee, or to whatever officer you would put in charge of the list of voters?—I think it would be desirable.

2885. That no objection should be made independently of his list to the revising barrister, and that everything should go by way of appeal to the revising barrister?—Yes, as a general rule.

2886. Then I presume that that would very much lessen the duties of the revising barrister?—Very much indeed.

2887. Probably we should be able to do with very much fewer of them, should we not?—Probably you would.

2888. Their business would be only to decide on appeal from this officer, whoever he might be?—Precisely; taking the case of an objection under the Union Assessment Act at the present time, every notice of objection must in the first instance go before the assessment committee.

2889. Do you think that, generally speaking, throughout the country, the clerk of the assessment committee is a person who could be entrusted with those judicial functions of deciding upon cases?—In a very large number of cases the clerk to the assessment committee, or in other words the clerk to the guardians, is a solicitor, and a person of good practice in the neighbourhood.

2890. Then the duties which you would throw upon him would be of a judicial character, would they not?—Yes; he has judicial duties of an important character cast upon him by the Act which I quoted just now, and I do not see why he should not discharge those duties equally well.

2891. All the work that now comes before the revising barrister would go to him in the first instance, would it not?—Yes.

2892. In the case of the large London parishes, I think you said that it would not, in your opinion, be desirable to throw this duty upon the clerk to the assessment committee, but that it should fall to some parochial officer?—Not precisely so; in the metropolitan parishes to which I alluded, the vestry are at the present time (with the exception of Chelsea, where there is a board of guardians who make the rates) the assessing body, and I should propose to follow the same principle which has been adopted in the Metropolitan Valuation Bill, viz., that where those vestries are the assessing power, it should be their clerk who should be the registration officer; but in unions where parishes are united for the purpose of getting a larger area, I then would make the clerk to the assessment committee or the guardians the registration authority.

2893. In small boroughs, which form perhaps one or two or three parishes of the union, would you make the clerk of the assessment committee of the union the officer to deal with the list of voters?—Yes; but I think that where you have several parishes in the borough in one union, and perhaps only one parish, and that a small one, in another, the duty might be transferred to the clerk of the union, which embraced nearly the whole of the borough: as it seems more reasonable that, where practicable, one and the same person

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should be the registering officer for the whole borough.

2894. In a case where the borough is only one or two parishes out of the whole union, and where therefore it is but a small portion of the union, would you throw the duty upon the clerk of the assessment committee?—Certainly.

2895. *Chairman.*] He would always be pretty certain to be resident in the Parliamentary borough, would he not?—Yes, he would always be pretty certain to be resident in the Parliamentary borough. The great advantage of having a union clerk would be, that he would be in constant communication with people in connection with all the different parishes, and would know what is going on.

2896. Mr. *Lefevre.*] Then I understand that you would not approve of any objections to be put forward after this clerk of the assessment committee has made his final list, but any further objections must be by way of appeal from him?—That is my inclination at the present time, as regards objections by individuals, and I think that it would cause a great saving of expense and a great saving of trouble.

2897. Mr. *Wheelhouse.*] You are aware that in Leeds we have four unions with four clerks, and that we have also a board of overseers, which is a corporation under statute under the direction specially of Mr. Heeps the overseer; under those circumstances how would you suggest that the register should be made out, and which of the officers, if you can form any judgment, should you suppose was the likeliest of the five officers, each of whom, as you and I are both aware, is a very efficient man to do the work satisfactorily; would you put it into the hands of the clerk to the board of overseers in such an instance, or would you have some independent person?—I should be disposed in Leeds and in Manchester, where you have incorporated overseers, a very intelligent body, with officers possessing great facilities for ascertaining changes of residence and occupation, to consider that with regard to the parishes which are under the jurisdiction of that incorporated body, the clerk or principal person in connection with it should be the registering officer.

2898. That is to say the clerk to the overseers?—Yes, the person who acts as clerk to the overseers.

2899. You are aware that practically in Leeds it has been the habit for the clerk to the overseers to have that particular duty devolved upon him eventually?—Yes.

2900. And you would not suggest any change?—No, I do not see that a change would be necessary.

2901. And you think that would be the best method of dealing with changes of occupancy?—I think so for the reason I have stated, that it is an incorporated body of highly respectable persons, with officers possessing greater facilities than any other persons for ascertaining changes.

2902. *Chairman.*] Would that be a departure from our definition of the clerk to the assessing body; would this clerk of the incorporated overseers be the clerk to the assessing body?—The overseers of Leeds, under a special Act of Parliament, are the assessing body.

2903. Therefore he would be really the officer who would come in under our definition of the clerk to the assessing authority?—He would.

2904. In Leeds would the clerk to the assessing authority be the clerk to the incorporated overseers, or would the several clerks of the unions be so employed?—The clerk to the assessing body in the borough of Leeds would be the clerk to the overseers.

2905. Besides the clerks to the incorporated overseers, I presume there are four clerks of the unions?—Yes.

2906. If we adopt such a definition as the clerk to the assessing authority, would that represent in Leeds the clerk to the incorporated overseers, or would it represent the four clerks of the unions?—That would depend upon the wording of the definition. I think it would be necessary in that case to make the definition exceptional so far as regards the old borough of Leeds. In that case when the Valuation of Property Bill was brought in in the year 1867, an exception was made with regard to the assessing authorities of Manchester and Leeds, if I remember rightly, and one or two other places where the overseers were continued as the assessing authority under the Bill.

2907. If that be so, the clerk to the assessing authority would be the clerk to the overseers?—Yes, but I must also explain that, for the purpose of contribution to the common fund of a union, the assessment of the assessment committee would be taken; but for the purposes of assessment of the parishioners *inter se*, the assessment of the incorporated overseers would be taken.

2908. Mr. *Rathbone.*] I think I understood you to say that you did not see any difficulty in the clerk to the largest parish in a borough or union, as the case may be, taking in hand the whole of the registration of that borough, even though he would have to deal with the collectors and others who might not otherwise be under his authority?—I made an exception in the case of those boroughs where you have perhaps 10 or 15 parishes in one union, and one small parish or part of one small parish, in another union within the borough. I see no reason why, in those exceptional parishes, the clerk to the chief union should not be the registering officer to the whole, giving him power to require assistance from the collectors of that small parish, or part of a parish.

2909. In such a borough as Liverpool, would you not think it necessary that some special and exceptional arrangement should be made?—I do not contemplate that it would be necessary.

2910. *Chairman.*] There would be a good deal of jealousy between the unions, would there not as to exercising authority one over the other?—No doubt. I wish to confine my answer to the cases of one or two small parishes with an insignificant number of voters.

2911. Do you think that in a case where nine-tenths of the borough was in one union, and there was one-tenth which was a portion of another union, you could, practically speaking, give authority to the larger union to exercise control over that fraction of the other union?—I think so.

2912. So as to control their rate books?—So as to require the production of their rate books whenever they were requisite.

2913. And to see that the rate book was properly kept, and so on. It involves, more or less, controlling the rate book, does it not?—I am aware of that. There are difficulties in the way but

but the advantages of having one officer for the whole would, I think, be so considerable that it would be desirable, in some of those exceptional cases, to endeavour to give him authority over the whole.

2914. It is quite plain that there will be, in a certain number of cases, exceptional circumstances. Do you think it would be possible to reserve any power to the Poor Law Board to determine from time to time, subject to the general rule laid down, who should be in each particular place the registering authority?—I think there would be no difficulty about it.

2915. In this minority of exceptional cases, might not the Poor Law Board be enabled to say that, from time to time, the clerk to such a union should be the registering authority for such a borough?—I see no practical difficulty.

2916. Mr. *Candlish.*] In a case such as that of Leeds, where there are four unions within the borough, would you have one or four registering officers?—Four, under the plan suggested.

2917. Then you would not have the complete advantage of having it, in that particular instance, centralised in one hand?—You would not.

2918. Nor the power of collecting and posting up removals?—You would not.

2919. Would it be practicable, in such a case as that, to have one registration officer appointed altogether independent of the parochial system, with free access to the rate books?—It would be possible to appoint one registering officer, and if you made it his whole duty, and gave him control over the collectors, you might be able to carry such a plan into effect; but I think it is very desirable that those persons should be employed in connection with this registration who from other circumstances are kept constantly in communication with the parochial authorities.

2920. In Scotland, the practice is for a valuation officer to initiate all the books necessary for the local burdens; do you think that the transference of that system to England might be an advantage?—I think it would be an immense advantage in England if you had a valuation officer, but there are such great difficulties in the way that I despair of it at present.

2921. Any officer having the same free access to the rate book, which the clerk to the assessment committee has, would have equal facilities in making out the register, would he not?—Yes, he would have facilities as far as the rate book was concerned, but he would not have the same facilities of obtaining other information in consequence of his not being so frequently brought into contact with those people. I am speaking of the collectors who are the officers of the guardians.

2922. Would you establish any relationship between any registering officer and these collectors, giving him also for his special duties control over them?—Yes.

2923. You stated, did you not, that you thought the remunerating of the registering officer should be fixed?—I think it would be desirable.

2924. Do you think it should be fixed by statute, or by the Poor Law Board, or by each respective local authority?—I think the local authority should fix it, subject to confirmation by the Poor Law Board, as is now the case with regard to union clerks, and the clerks to assessment committees.

2925. *Chairman.*] When you speak of the local authority, do you mean the board of guardians?—I mean the board of guardians.

2926. Mr. *Rathbone.*] Can the Poor Law Board give a higher salary than the board of guardians fix?—They may fix and regulate it under the statute, and therefore they may order the guardians to pay more if they think proper to do so.

2927. *Chairman.*] I take it that the operation is generally rather in the opposite direction, is it not?—Not in the opposite direction, but the recommendation of the guardians as to the salary is generally accepted unless it appears manifestly unreasonable.

2928. Mr. *Candlish.*] Then I understand that on the whole, you consider that the balance of advantage would be in favour of the board of guardians initiating the salary of the clerk, subject to confirmation?—I think so, because they being on the spot are the best judges of the circumstances affecting each case.

2929. You have spoken of the efficiency of the clerk to the guardians in dealing with the registration of owners qualified to vote as owners; in parochial elections is the owner's power of voting largely brought into exercise?—In some places it is.

2930. Is not the rule rather the other way, namely, that the owner does not really put into operation his right to vote?—In a number of instances he does not, but I am not prepared to say what the proportion is.

2931. The election is usually left to the ratepayers, is it not?—No doubt; but wherever there is much controversy and contest you find that the owners are looked up very closely.

2932. Mr. *Lefevre.*] Should the registering officer, having once made out a list of the voters, be empowered to revise that list without application in the nature of claims or objections from third parties upon information which comes to him from any other source?—When you speak of the list being revised, I do not quite know what you mean. The borough list is made out afresh every year; the county list, except as regards the new 12*l.* occupiers, is not made out fresh every year.

2933. Assuming that he has made out the list of voters for the year in the borough, should he have power to revise that list himself without claim or objection on the part of third persons?—I think so, to the same extent as the overseers have now.

2934. Do you think in such a case he should publish a revised list, or that he should make out a supplementary list of those additions or subtractions which he has made?—I should not allow him to make any alteration in the original list after it had been published, unless upon claim or objection, or after notice given to the party interested.

2935. *Chairman.*] The proposal is, that the registering officer, upon the best information he can obtain, shall make out his preliminary list, similar to the list which the overseer now makes.

2936. Then the objections to the claim are filed with him, are they not?—Yes.

2937. Then by the right of those objections and claims, he has to consider what amendments should be made in his original list, what errors it has brought to light, and what can be done to improve it; that, of course, will be done by the investigation of the rate collector, and it may happen that during the course of that subsequent

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investigation he will find some error or some claim which had been made, and which had not been objected to in his original list; do you see any reason why he should not, when he takes notes of the objections and claims which are good, and which are bad, also publish underneath a list saying, " I also have discovered those errors, and I mean to object to such and such a name, or I mean to insert such another name." For instance, to illustrate that, I had a letter the other day with reference to one of the boroughs in England, where there were a number of persons who were determined afterwards by the Court of Common Pleas to be disentitled to vote. The revising barrister had pronounced no opinion upon it, and that was because neither of the political parties thought it expedient to object, not knowing how the claimants were likely to vote; yet there were hundreds of names which ought not to have been on the register; do you see any reason why a responsible registering officer should not say, " my first list is entered as defective, and I call attention to the fact, that I shall propose before the revising barrister that those names shall be omitted" ?—If it be clearly and distinctly stated in the revised list I do not see any objection; he might put " objected to," as overseers in counties do at the present time, or he might append to the list a certain number of persons who had been improperly omitted; I see no objection to that.

2938. At the same time that he publishes the list of objections and claims made by other persons, do you see any objection to his also, together with that list, publishing a list of any objections which he has himself discovered, or any claims which he thinks ought to be made to put persons on the list, so that in fact he should be acting as a sort of objector and claimant?—I see no objection to that, provided due public notice is given of it.

2939. That would tend, would it not, to the perfection of the list?—Exactly; the object is to get the list as perfect as possible, as I understand it, and to give the people as little trouble as possible.

2940. If neither of the contending parties think fit to object to a particular name, and yet that person is disqualified, it is very desirable, is it not, that that person should be kept off the list, even though no person objects to it?—Certainly.

2941. In such a case you would, I presume, allow an appeal, or fresh objection, to be made to the revising barrister?—Quite so; every one of those cases should go before the revising barrister.

2942. And the registering officer should produce his evidence before the revising barrister? —He should state his reasons.

2943. Would you allow the registering officer to take off any of the voters without notice to those persons who had been in the original list? —I would not allow him to take them off, but I would allow him to write " objected to " opposite the names in the published supplemental list.

2944. And upon that to take what action he thought fit before the revising barrister, and then they would have notice before the revising barrister?—Yes, I think that would be a safeguard against abuse, and it would be necessary for that reason.

2945. That is to say, he would give notice to people who had inadvertently been put wrongly on his original list, that he meant to correct that list before the revising barrister?—Yes, that is what I mean.

2946. Mr. *Hodgkinson.*] You would not give the claim of the man who appeared before the revising barrister if he was put upon the supplemental list and nobody objected to him?—I would not.

2947. To that extent you would relieve the claimant of any trouble?—Yes.

2948. Assuming that there is to be any general legislation on the subject of Parliamentary registration, do you think it would be desirable to take that opportunity of legislating on municipal registration also?—I think it is extremely desirable that you should, if possible, have the same registration, or the same register available for the two classes of voters.

2949. Do you think that is practicable?—I think so.

2950. Mr. *Candlish.*] You give that answer, of course, assuming that the ratepaying conditions of the imperial franchise shall remain as at present?—Yes, assuming that there is no antagonism in that respect

2951. Assuming that the imperial franchise is severed from rating and ratepaying obligations, you would qualify your answer, would you not? —I should.

2952. Mr. *Hodgkinson.*] I believe that at the present time the ratepaying is not a necessity for the municipal franchise where there has been compounding? — Where there is compounding it is not so; it is only necessary, if I remember rightly, that the rate should be paid in respect of the property by somebody.

2953. A payment by the landlord for the purpose of municipal qualification is a payment by the tenant now, is it not?—It is.

2954. Mr. *Candlish.*] In the event of the vote not being dependent upon rateability, you would make it an obligation that the occupier should have a column in the rate book for his name, would you not?—Yes; whether the occupier pays the rate or not, I would have the name of every occupier in the column of the rate book.

2955. *Chairman.*] Payment by the landlord has been deemed to be payment by the tenant ever since the case of Cooke and Ludden; but it is necessary in the Parliamentary franchise, is it not, that the man should be rated as well as that he should have paid his rates, whereas in the municipal franchise it is not necessary?—It is so where the Parliamentary and municipal boundaries are conterminous; but by the Representation of the People Act both classes have been put upon the same footing within the same areas, because that Act has altered the law of rating, and requires that every occupier should be put upon the rate book. You have done away with composition, and therefore you have so far assimilated the two franchises.

2956. The honourable Member for Sunderland said that you would qualify your answer, assuming that rating were altogether dissevered from the Parliamentary franchise; but even assuming that the Parliamentary franchise was a mere residential occupation franchise, altogether dissevered from rating, would not the rate collector and the parochial machinery still be the cheapest and the most convenient method of ascertaining the residential occupiers totally apart from any question of rating as a matter of money?—Certainly.

2957. And

2957. And therefore, even supposing that the word rating were expunged altogether from the Parliamentary franchise, you would still find, would you not, in the rate collecting staff, the most convenient machinery for ascertaining the residential occupiers?—What I meant to say just now was this: that I thought if you made the same register applicable to both purposes, it would be extremely desirable that the same law of rating should be applied to both purposes.

2958. The honourable Member for Sunderland has suggested what is of course quite practicable, that in places where there are several assessing authorities you might, for the purposes of unity of action, substitute a single officer, who should have no parochial connection at all, and give him authority over the rate collectors for special registration purposes; do you think that the inconvenience of following such a course would be greater than the advantages which it would supply?—Yes, that is my impression.

2959. That is to say, the inconveniences from the division of authority would be less than the inconvenience which would arise from introducing an entirely new person into the parochial system, who had no connection with the parish, who had no connection with the rate collectors, and who came in entirely as a sort of interloper for registration purposes?—I think so. I think the true policy would be to utilise as far as possible the existing available machinery.

2960. And you would rather bear the inconveniences of the severed authority than encounter the inconvenience of introducing an entirely new authority simply for the purpose of registration?—That is my view, certainly In considering this question it must also be borne in mind that there is the parochial franchise as well as the Parliamentary, and as well as the municipal franchise, and that the rate book is the basis for the parochial franchise.

2961. Besides which should we not get into great difficulties as to who was to appoint this registering officer, who was to have control over the parish rate books, and who was to be the registration authority in the borough, if we once departed from the principle of taking him as the clerk of the assessing authority?—There would be difficulty without question.

2962. Mr. *Lefevre.*] In the case of removals from one house to another, is it now the duty of the overseer to put the party on the list of occupiers?—In my opinion it is the duty of the overseer; it is the duty of the overseer, if I remember the terms of the Registration Act accurately, to put upon the list of voters all persons who have occupied for a year, and who have been rated and have paid their rates during the prescribed period; that is the law, so that if the overseer knows that A. B. has gone from one house to another, and has been in the successive occupation of those two houses, and has paid the rates for the prescribed period, it is his duty, to put that man upon the register.

2963. I presume that it is a duty which is very seldom fulfilled, and that those persons seldom come upon the register, except through claims?—It is quite exceptional.

2964. Supposing that the Bill now before the House is passed, and that the franchise is made practically independent of the payment of rates, do you think that the registration officer should perform the duty of following the persons from house to house, and putting them on the list of voters?—Yes, I think, as I stated in the earlier part of my evidence, that it should certainly be made part of his duty to require reports from the collectors as to all those changes.

2965. So that he should have the opportunity of following them from house to house within the borough, and of putting them on the list of voters?—Yes, that is very easily done. A book might be kept containing the names of all the persons in the last register, and then, by having one or two columns for observations, he might enter the different reports of changes which he received from time to time.

2966. That would in fact be a great extension of the Franchise Act, would it not?—It would be a great extension of the Franchise Act from that point of view.

2967. Supposing a householder goes through five or six successive occupations under this process, he would still come upon the list of voters, if he is within the borough, would he not?—Yes. At the present time there are some few parishes in which the overseers take a great deal of pains with regard to changes. In these parishes they put upon the list of voters for the parish almost all the persons who have changed their residence in the same parish, but if they happened to go the other side of the street into another parish, the overseers have no means of getting those persons on the register. One of the advantages of having a registration officer would be that he would get such reports of changes of residence as I have described, without reference to whether the persons had changed their residence in the same parish, or had gone to reside in another parish in the same borough.

2968. Practically, as the law now stands, the residential test is a residence in the same house, is it not?—It is, excepting in those cases to which I have referred.

2969. Under the new proposal, the residence will be only a residence within the borough?—Only a residence within the borough.

2970. So that a man may be turned by his landlord from one house to another, because he cannot pay his rent, and yet he may come upon the list of voters?—Yes. With regard to this removal, I may state that I had occasion to make inquiry about the lodger franchise in the metropolis, in the year 1867, and I found that the ordinary rule amongst the better class of artizans who occupied houses was to change their residence once every six months, and the reason for doing it was, that it was the only chance of getting any repairs done. When a house becomes vacant, the landlord cannot let his house until it has been put in proper order, and immediately a man whose house has become shabby, sees a house across the street which has just been put in repair, he goes and takes it. It was stated the other day that over 60 per cent. of the small occupiers in Birmingham changed their residences every year.

2971. *Chairman.*] Would not that be a strong argument, as far as the lodgers were concerned, who have not the benefit of successive occupation, for diminishing the period of residential occupation?—The lodger does not move because he cannot get repairs done. My remark with regard to the change of occupation did not refer to lodgers but to persons occupying separate houses.

Mr *J. Lambert.* 4 June 1869.

2972. Mr. *Lefevre.*] Your experience shows that even the respectable artizans change their residences very frequently?—In London particularly so, for the reason that the landlord will not do any repairs for them so long as they remain in the house.

2973. I suppose that the more respectable class of artizans change less frequently than others?—The respectable class are the persons who remove, because they like a clean house.

2974. But under the proposal which is made, however many changes they made from one house to another, they would come on the list, would they not?—Yes.

5975. *Chairman.*] As I understand, the residential occupation, as regards the poorer artizans, is by no means a test of respectability?—I ascertained that fact in London, but I have not made inquiries in other towns.

2976. Sir *Charles Dilke.*] With regard to the definition in each borough of the authority whom we want to find, what words would you suggest as pointing out the person or persons who would in each borough be the registration authority?—In unions under the Poor Law Amendment Acts the registration officer would be the clerk to the assessment committee, and in single parishes not in union, where the guardians have power to assess and make the poor rates under a local Act, he would be the clerk to the guardians. In such parishes under the Metropolis Local Management Act, and not in union, he would be the vestry clerk; and in separate parishes under boards of guardians where there is a board of overseers, or select vestry incorporated under a local Act for the purposes of assessment and making the poor rate, he should be the officer acting as clerk to such board or vestry.

Mr. Richard Owen, called in; and Examined.

Mr. *R. Owen.*

2977. *Chairman.*] You are connected with the Post Office in the Chester district, are you not?—I am postmaster of the City of Chester.

2978. I believe that under the instructions of the Post Office you set to work to make a street list of the occupiers?—Yes.

2979. What were the exact orders which you received from the Post Office?—Simply to obtain a list of the householders.

2980. Was it a street list?—It was a street list.

2981. How did you proceed to make the list?—These are the instructions which I gave to the letter carriers. "The letter carriers are commanded by the Postmaster General to obtain and make out a list of householders occupying the houses, &c., within the limits of the Parliamentary borough of the City of Chester. In the performance of this duty they must employ no official time, but commence taking the addresses after the completion of their third delivery. They will each be supplied with a book in which to enter the addresses of the several householders. These books must be delivered every morning at six o'clock to the senior clerk on duty, in order that the names entered therein during the preceding day may be copied into one book by the clerks appointed to that duty. The several books will be returned to the letter carriers on their return from the third delivery, to enable them to re-commence so soon as they conveniently can the collection of addresses, to which purpose they will devote three hours each evening until completed, and for which extra duty they will be paid. In collecting the names, they will take the same route daily pursued by them in making their first delivery. They will take street by street, and be particular not to pass to a second street until the previous one is finished. They will take one side of the street first, and then the other side. The several courts, passages, or entries must be taken as arrived at, so that the names in each street may include the several courts, &c., therein in consecutive order. When taking the Rows they must head such separately from the street, as "Eastgate-row South," or "Eastgate-row North."

2982. Those, I suppose, are alleys?—They are passages like unto two tiers of shops, one above the other. "But the several shops or dwellings on a level with the pavement must be designated street, as Eastgate-street. Care must be taken to write the names distinctly, and to spell the same correctly. The surname should first be entered, then the Christian name or names in full, then the number of the house, or if not numbered, a dash; then the name of the street, court, passage, &c. Lastly, there must be added the following initials: 'H' for house, 'HS' for house and shop, 'S' for shop only, 'O' for office only, 'H O' for house and office, 'W' for warehouse, 'L H' for house let out in separate apartments, 'M' for manufactory or workshop. The utmost care must be taken that no house, shop, or tenement of any kind be omitted. If any parties refuse to give either surname or Christian name, write 'refused,' but yet enter particulars of house and owner, so far as they know or can ascertain the same of the tenants."

2983. Under those instructions, did you send the letter carriers to do the work?—Yes.

2984. What is the population of Chester?—About 34,000.

2985. How many inhabited houses are there?—Seven thousand six hundred and three was the number that was entered in the list.

2986. How many persons were employed under those orders?—Ten.

2987. How long did they take in carrying out the business?—They took 216 hours, during about 14 days.

2988. Was that working out of hours?—Out of hours, between 6 o'clock and 9 o'clock in the evening.

2989. Did they, in your judgment, make an accurate list of all the houses?—Yes, I think the list was accurate; of course some of the names are not spelt quite correctly, but the two clerks that I employed to enter the names afterwards corrected such errors as far as they could.

2990. You say it took 216 hours in a town of 30,000 people?—Yes.

2991. What was the cost of doing that work?—Altogether, 11*l.* 14*s.* 4*d.*; that is 5*l.* 18*s.* for the letter carriers, 4*l.* 2*s.* 8*d.* for the clerks copying, and 1*l.* 13*s.* 8*d.* for books.

2992. So that, in your judgment, you got a completely accurate street list for Chester at a cost of about 11*l.*?—Yes.

2993. Chester was selected as being a town, from its character, of rather a difficult nature in which

hich to do such work, was it not?—I suppose , but I do not know why it was selected.

2994. Have you any specimen of the lists ich were made?—The Post Office have the ll alphabetical list. It was done in books. ose were the books they carried with them *anding some books to the Committee*). I may y that I had two intelligent clerks, who were pid writers, and who understood the town, to py the names, and they had a general know- dge of the whole city, and therefore could rrect the letter carriers' lists.

2995. What are the ticks against the names; ere they gone through again?—They were e marks made by the clerks when copying the t in the book supplied to the General Post ffice, in which they were all entered alphabeti- lly, and not according to the streets.

2996. Are all the houses in Chester numbered? -Some of the streets have no numbers; in others e houses are numbered, but very imperfectly; hers are fully numbered.

2997. Of course it would be a very great con- nience to the Post Office, would it not, that the uses should be numbered?—Yes.

2998. Is there any compulsory legislation hich compels builders to number houses?— one in Chester; I have applied to the town uncil to get the houses all numbered.

2999. Do you not think that it would be a ry good thing that there should be a general w compelling every house to be numbered in very town?—I think so; it would take so many gures, or else each house could have its number the whole borough.

3000. Mr. *Candlish.*] Have you a specimen of e ultimate list with you?—That is the form *anding a paper to the honourable Member*).

3001. Mr. *Bourke.*] Of course you only put ne person down for each house?—When there ere several offices in one house we put down e name of each; for instance, there is one use, the stamp office, which is occupied by the amp office, the bishop's secretary, and a erk.

3002. In Mr. Swetenham's house how many eople did you take for it?—That is the one referred to; there are three.

3003. Who is put down there as the house- lder?—Those are the names which are put wn; none being entered as householder.

3004. So that one of them might only have en a lodger?—There is one person who takes re of the house, but I do not know whose name is taken in.

3005. *Chairman.*] Were all those 10 men nployed?—They were all employed; the men ad a thorough knowledge of all the houses, o that when they came to a house they had ften no occasion to ask the party's name; but a ranger would have to call at each house, and ence could not do it in the same time.

3006. You have stated that it took 216 hours; o I rightly understand you to mean by that it ould have taken one man 216 hours?—If that an had a thorough knowledge of the town equal o that possessed by those 10 men.

3007. Then, as a fact, if those 10 men had orked seven hours a day consecutively at this ork, would the whole work have been accom- lished in about three days?—Yes.

3008. Mr. *Bourke.* Could you direct me in one f the books which you have handed to the Com- mittee to any of the courts which are put down here?—Yes (*pointing out the same*).

Mr. *R. Owen.* 4 June 1869.

3009. Do you know Holloway's-court yourself? —I do not. As to many of the courts, the carriers themselves stated that they had never been in them to deliver a letter before; and before the list was finished great numbers of persons had left the houses for which they had first been entered.

3010. Is there any means of testing that list, so as to see whether or not it is correct?—The two clerks tested it as far as they could.

3011. By going round?—No, by their memory, and their general knowledge of the city and the streets.

3012. *Chairman.*] Would it be a useful thing to you, in your business as postmaster, to have such a list as that kept and corrected?—It would be of very little use to us, because the changes are so very frequent in the small houses; the larger houses we know so well that there is no difficulty as to them.

3013. Mr. *Bourke.*] Do a great many letters go to the small houses?—No. In the smaller houses the tenants move week by week.

3014. Mr. *Candlish.*] How many letter de- liverers have you in Chester?—Nine, and one for Saltney.

3015. Do you know at all if the number which you have, as compared with your population, is in the same proportion to the population as in other towns?—I think it is in about the same proportion as for other towns, because the desire is to deliver all the letters in the morning by nine o'clock, and to have a sufficient number of letter carriers to perform that duty.

3016. Then the staff of letter carriers in any given town would be ample to complete such a list in a very short time, would it not?—Just so, if they were at liberty from their other duties; but they could not do so with their other duties.

3017. Mr. *Bourke.*] You know, I dare say, that the notices of objection are sent through the post office?—Yes.

3018. Do you know the time of year when those notices of objection are sent?—Yes.

3019. Do you know that a great number of those come back to the Post Office?—Yes, a great many come back.

3020. *Chairman.*] How many of those notices which were sent through the Post Office failed to reach the persons for whom they were in- tended?—I do not remember that there were any notices sent last year.

3021. Were there no notices of objection sent at Chester?—There were very few, if there were any. I have known hundreds to be sent, but not at the last election or the previous election.

3022. Mr. *Bourke.*] Did a great many of those come back to the Post Office?—We had some back.

3023. Do you recollect any communications having been made to you by the letter carriers about them?—The letter carriers do, in each instance, given a reason why the notice is re- turned; perhaps the person to whom it was ad- dressed was gone, and had left no address, or dead.

3024. *Chairman.*] If a letter carrier found that a man had gone into the next street, would he go after him there?—It would be delivered there.

Mr. *R. Owen.* 4 June 1869.

3025. Sir *Charles Dilke.*] Did the candidate send out polling cards in Chester, a day or two before the polling?—Not through the Post Office.

3026. Have they ever gone through the Post Office in Chester, to your recollection?—Not through the Post Office.

3027. Mr. *Candlish.*] Those letter carriers would have convenient opportunities of correcting this list of residents from time to time, would they not, in going about as they are posting up changes?—I do not think that it could be done properly from time to time; I think the way in which it is at present done by the overseer is the better way; he goes round with the book in the beginning of June from house to house.

3028. If it was done by the Post Office it would have to be done by special arrangements, would it not?—Exactly.

3029. Mr. *Wheelhouse.*] So far as any alteration by the Post Office carriers is concerned, it would be really practically confined to striking out the names of people who had been there and had gone; they would have no means, or very limited means, of knowing where the persons had gone to, I apprehend?—The letter carriers endeavour to find out where persons go to, and they are generally able to trace them.

3030. Did you hear of any person refusing to give his name and address when he was applied to by the Post Office authorities?—I believe several refused to give them until they knew why they were required.

3031. That was almost natural, considering the class of people, but ultimately when they did know the reason, they did generally give you the address?—They generally gave the address.

3032. Was any note taken of lodgers?—None at all; as to all warehouses, shops, and stables, such were taken down, whether or not they were occupied, and by whom.

3033. So that, with the exception of lodgers, you assume that it is a very correct list?—I think so; but how far it could be carried out in other towns is another question.

3034. Would it be a good plan for the Post Office authorities, having got such a list as the one which you have made in Chester, to transmit a rescript of that to the overseer or to some person in the position of an overseer, that he might have it as a basis for corrections?—In Chester there are, I think, five or eight overseers, and it would be difficult to know to whom to send it. Some of the overseers belong to parishes not belonging to the city of Chester.

3035. But supposing that there were one person who was an assessing officer, it would then be a very easy matter, would it not, to send all the lists to such officers individually, for him to look over?—Yes.

3036. Mr. *Morley.*] Are your men free after six o'clock?—Two of them are not free; two of them have to work differently to the others; for instance, they have to collect the letters from the pillar boxes, and do other work similar to that.

3037. Would they be considered as acting contrary to their engagement with you if they were to come under an undertaking to do work of this kind even for some other body?—I do not think it would be permitted by the Post Office.

3038. Mr. *Candlish.*] Have they not now freedom to work as they please at any other calling when they are not delivering letters?—Yes they have that perfect liberty, except that they are not allowed to deliver notices or to have anything to do with newspapers.

3039. *Chairman.*] Of course under instruction from the Post Office they might do any work of this kind at any time, just as they have done it now, might they not?—Yes.

3040. If the Post Office thought fit to give orders that they should do it, and be paid for it, and that they should supply such a list as that could they not do it at any time?—They could.

3041. Mr. *Candlish.*] The letter carriers are very frequently shoemakers and tailors, are they not?—Their trades are very various.

3042. But they work at their own trades when they are not employed by you, do they not?—Yes; two or three of them are shoemakers.

3043. Mr. *Bourke.*] Supposing that I went to one of those letter carriers, and said, "I will give you 5 *l.* if you will leave a circular at every house in Chester;" would he be allowed to do that?—No; they are prohibited from doing it, and also from selling newspapers.

3044. Mr. *Morley.*] If I said to one of the men, "I have a special reason for wanting to know the name of the occupant of every house in Chester," and he were to say, "I have no objection, I have from half-past six o'clock to nine o'clock, and I will work for you in that way till I have accomplished that work;" would he be acting in any way contrary to your desire?—There is no rule opposed to it, and I should permit him doing it.

3045. Mr. *Wheelhouse.*] Did you yourself draw the schedule of instructions which you have read?—I did.

3046. Are they your own suggestions?—Entirely.

Thursday, 24*th June* 1869.

MEMBERS PRESENT:

Mr. Bourke.	Mr. Lefevre.
Mr. Candlish.	Mr. Morley.
Mr. Collins.	Sir Stafford Northcote.
Sir C. W. Dilke.	Mr. Rathbone.
Mr. Harcourt.	Mr. Wheelhouse.

VERNON W. HARCOURT, Esq., in the Chair.

Mr. Robert Paterson, called in; and Examined.

Mr. *R. Paterson.*
24 June 1869.

038.* *Chairman.*] You are Assessor under Valuation of Lands (Scotland) Act, for the gh of Edinburgh?—I am.

039.* You are also Assessor under the Re-ration of Voters (Scotland) Act, for the same gh?—I am.

040.* How long have you held those offices? ince the passing of the Acts of Parliament er which they are constituted.

041.* What is the population of the burgh of nburgh?—The population, by the last census, 168,121.

042.* What is the number of rate-paying ements?—Forty-five thousand three hundred thirty-six.

043.* How many of those are dwelling-es?—Thirty-eight thousand two hundred and y-one.

044.* What is the number on the electoral now in force for the burgh?—Twenty thou-l seven hundred and seventy-nine.

045.* Will you describe the present system egistration for Parliamentary and municipal tions?—An annual survey of the city is e for the purposes of the Valuation of Lands , and, as the result of this survey, a roll is pared, containing the names and designations he owners and occupiers, and the rent of separate tenement or holding within the gh. On this valuation roll the register of rs is based; the register is corrected ually, and printed. It is optional under the visions of the Act, either to frame the register rding to street-lists, or to arrange the names abetically; the former of these methods has n adopted in Edinburgh. I am of opinion it is the best arrangement, in respect that it ore easily and accurately checked with the ation roll, and that for all the purposes of tions, including both canvassing and polling, s more convenient than the alphabetical ngement. Indeed, in cases where the alpha-cal arrangement has been adopted, candidates others using the register find it necessary e-arrange it into street-lists. This, of course, olves considerable expense, and I think it e unnecessary expense, because the original t of the register must necessarily follow the ngement of the valuation roll, which is in ets.

046.* Can you state to the Committee the amount of the expenditure connected with the registration of voters in Edinburgh last year?—I have here an abstract of expenditure in connection with the registration of voters for the burgh of Edinburgh for 1868-69. The assessor, 150 *l.*; his assistants, 150 *l.*; remuneration to the City Clerk, accounted for to the City Clerks' Fee Fund, 50 *l.*; printing the lists, registers, schedules, &c., 339 *l.* 4 *s.* 6 *d.*; advertising the Statutory notices, &c., 32 *l.* 18 *s.* 6 *d.*; allowance to the valuation of lands account, for rent of office, 25 *l.*, and for furniture thereto, 15 *l.*, making together 40 *l.*; postages, &c., 25 *l.* 9 *s.* 4 *d.*; proportion of general expenses of management, 32 *l.*; making a total of 819 *l.* 12 *s.* 4 *d.* It is proper to explain that the emoluments to officials embraced in the first two items are supplementary to emoluments connected with the Lands Valuation Department, and that the work could not be done for anything like the amount if it was the sole or primary duty of the parties employed.

3047. I would ask you, generally, are you satisfied that under the working of the Scotch system at present you are able, at the cost which you have mentioned, to get a very accurate list in the first instance, before it goes to the revising barrister?—Yes, very accurate; in fact, we have not had a single case in Edinburgh of failure to register a party who has called for it, since the Act passed; I mean there has not been one case of omission to register.

3048. Are the objections numerous under the present system, or not?—No; we have had one or two last year, as it was the beginning of the new system, simply to try the questions; but prior to that the political parties have let the registration go on without interference on their part.

3049. From your experience of the decisions which have been made upon this new question, I suppose at the next registration, you, remaining still the registrar, will act upon those decisions to guide yourself in your conduct?—Precisely.

3050. I just want to ask you how, in Scotland, you deal with the question of lodgers?—We have always registered lodgers.

3051. That is a remarkable circumstance; it is the fact that before the Act of 1867 you registered lodgers in Edinburgh?—Yes.

3052. How did you deal with them?—Prior to

Mr. *R. Paterson.*

24 June 1869.

the last Act the lodger made application, and stated that his apartments were of the value of 10*l.* a year, unfurnished.

3053. He made a claim, in fact?—He made an application, not a statutory claim; but he applied to the assessor, and stated the ground of his claim.

3054. Verbally, or in writing?—Upon a form which I keep for the purpose.

3055. Sir *C. W. Dilke.*] But if he came to your office, you let him fill up the form there?—Precisely. The places are visited by one of my assistants, and if there is any doubt about the value, he would make measurements of them, and then I judge whether they are worth 10*l.* or not; if they are worth 10*l.*, and the lodger had been there 12 months, or in some equally valuable place for 12 months, he was put on the register.

3056. *Chairman.*] Then, in point of fact, you have always recognised, as regards lodgers, the principle of successive occupation?—Oh, yes.

3057. So that a man living successively in lodgings would have the same title to the franchise as an occupier by successive occupation?—Precisely.

3058. You have treated the lodger, subject to the question of value; indeed, before the last Reform Act, there was no difference in value, on the same footing as an occupier?—Quite the same; and we have enrolled him as tenant and occupier of the particular subject.

3059. He would not, in Scotland, be rated, would he?—Oh, no.

3060. Therefore, you practically dispensed with the rating qualification, as far as lodgers were concerned, even before the Act of 1867?—We had no rating test in Scotland before the last Act.

3061–2. Mr. *Lefevre.*] The Act of last year applied the rating principle for the first time to Scotland?—For the first time.

3063. *Chairman.*] You said that that was the course you pursued before; is there any difference in the manner in which you proceed now?—I was just going to say, that when a party was put on the register as a lodger, I traced him the next year, and sent him a circular, saying, he would be required to repeat the application; in fact, I continued to see that he was put on the register, if he continued to be qualified; and he did not require to lodge any statutory claim. The only difference now is that lodgers must claim every year; they must lodge a statutory claim, and be admitted by the sheriff.

3064. That you require now, as a statutory obligation?—Yes; a statutory obligation.

3065. And you cannot therefore relieve them from that?—I cannot repeat the registration.

3066. Do you think that is a hardship; would you be glad to pursue the former system?—I think the former system would be better for two or three reasons. We have a great many permanent lodgers in Edinburgh; professional men who have apartments. I know men who have been in the same apartments for 20 years, and, indeed, carry on their business there; many of them are members of the bar, and others who have been in the same house 10 or 15 years, and those are men we have no doubt about.

3067. Do you think it would be a fair thing that, if a lodger has once been upon the last register, the fact of his name being upon the last register should operate as a claim to reappear on the notice?—I think it should be held to be *primâ facie* evidence, at any rate, of his claim.

3068. Mr. *Morley.*] How could it be *primâ facie* evidence if it is not a positive claim?—Because it shows that the man had a right, and all the assessor would do would be to see that he continued to have the same ground of claim as that under which he was registered. And, indeed, to avoid the hardship of these parties having to come to the office and lodge claims I send to them forms of claim.

3069. *Chairman.*] You undertake to send those forms to the lodgers?—Yes; it is no part of my duty, but I hold that I am bound to put everybody on the register who is qualified.

3070. You make that part of your business?—Yes.

3071. What do you find has been the effect of the introduction of the rating system in Scotland, as regards the register?—It was in great confusion last year for this reason, that the parochial boards in the city had it in their own hands, and they, as is now understood to be illegal, exempted parties from payment, or from charge, whose rents were under 4*l.* That formed a very serious question last year, and it arose in this way; had the test of the payment of poor rates been fairly applied if the party had never been asked to pay.

3072. That is to say, had there been what called in law a demand made?—Yes, so that was rather in confusion last year; it was not fairly tried. This year it will be because the parochial boards have now assessed everyone, so that the test of the payment of the rates will now be applied universally.

3073. Do you, in Scotland, always levy from the occupier, or does the owner pay?—It is optional; the assessment is payable one-half by the owner, and one-half by the occupier, but the parochial board may levy the whole from the occupier, with the power to the occupier of having it back from the owner.

3074. Do they ever levy upon the owner exclusively?—Oh yes. In some cases of the large proprietors, they find it more convenient to collect the whole from them.

3075. But do they collect the full rate?—Oh no; they collect only the owner's proportion; in the case of a proprietor of a very large amount of property containing a number of small houses where it is difficult to get the rates from the occupier, they find it better to secure the owner's proportion, and then they have only the one-half to collect from the occupier.

3076. Then they levy the owner's half in a lump upon him, and then they go against each occupier?—Yes.

3077. Mr. *Lefevre.*] How do you deal with the case of successive occupation with regard to lodgers?—If a claimant applies with reference to two or three subjects during the year, or the occupation of two or three subjects, he must state the particular dates at which he entered the one and left it, and then entered the other. Of course this case often happens; but if a gentleman goes to the country for a few months and leaves his apartments in town, that is, gives them up for the period of his absence, of course that denudes him.

3078. But unless the lodger himself makes a claim, stating his successive occupation, you do not take the pains to ascertain his qualification?—Oh, no.

3079.

3079. In such cases where they make these ims, you then make inquiries as to every one the lodgings which is occupied successively? Precisely.

3080. Have many come on in this way?—Oh, s.

3081. A considerable number?—There is not very large number of them altogether. I do t think we have above 130 or 140 altogether.

3082. Are these lodgings separate flats, open- g separately upon a common staircase?—No, t necessarily; it is often in what we call a f-contained house, that is, a gentleman has e dining-room, and perhaps two bed-rooms, or nething of that kind.

3083. You told us you make out your lists ginally as street lists?—Yes.

3084. And that then you turn them into al- abetical lists?—I do not, but it is done in ne cases.

3085. How do you do about duplicate entries? I do that by a system of reference. In making survey every house is visited every year. e get every assessable place in Edinburgh ited annually. If a man has a shop or a ble, or anything of that sort, the surveyor st ascertain whether he occupies any other ce within the borough; then he notes this, l there is a system of reference in that way ried through the entire books, so that we have difficulty whatever in avoiding double enrol- nt.

3086. You think it is quite possible then to vent names coming on in duplicate?—The t evidence of that is this, that in the register w in force containing about 21,000 names re are only two cases of double entry.

3087. But you are obliged to keep a special k of reference for the purpose of preventing t?—No, not a special book of reference. This the survey book made up for the purpose of uation of the borough, and the reference is ply the number of the book and the page at ich this party has those other premises. Sup- ing we had in a survey book No. 6, a person page 20, and in book 7 the same person at e 21, that would be at first book 7-21, just the margin. It is headed "Notes for Regis- tion."

3088. But how do you ascertain in the first tance that the two entries are in respect of the ne house?—We ascertain that by application the parties themselves, by visiting.

3089. It is only by visiting that you can ascer- n it?—Only by visiting.

3090. I understand you to say that, practically, the last registration persons below the 4 *l.* e had not been rated?—They had not been ed.

3091. So that, practically, those below 4 *l.* did get upon the list of voters?—A few did; a w lodged claims, they were intended simply to t the question, and they got on.

3092. Were they entitled to be on?—Yes, y were put on by the sheriff.

3093. Although they paid no rates?—Although y paid no rates.

3094. On the ground that no claim having en made upon them, no rates were due?—Pre- ely.

3095. But I understand you to say in future t a claim for rates will be made?—It will be de in every case.

3096. The result, therefore, will be, that those persons who have not paid rates hitherto will have a claim made on them for rates, and will not get on the register unless they pay them?—Yes.

3097. Mr. *Morley.*] What time do you devote to this matter every year?—The registration goes on from about the middle of June till the middle of September; but it goes on simultaneously with the valuation roll work; it is not the primary occupation of my office, by any means.

3098. Still you devote a good deal of time to it?—A good deal of time.

3099. And take a great deal of pains about it?—Yes.

3100. You even visit yourself?—In a very special case I would; if it were a case to be disputed in the registration court I would see it myself.

3101. Is there any party feeling entering into the question of registration in Edinburgh?—Not now; we used to have it about 20 years ago; when I attended the court then we sat generally for about eight days, but since 1857 until last year, when we had the new questions, we only used to sit for about three hours.

3102. Do you know anything in Edinburgh of vexatious objections, and frivolous attempts to get the names of parties off who were not likely to attend and defend their rights?—That is completely given up; that was done, as I say, about 20 years ago, but for several years it has been completely given up.

3103. Can you suggest any mode by which we can secure the same result in England?—Well, the people must have confidence in the fairness of the registrar; the political parties must be satisfied that the officer fairly discharges his duty.

3104. You consider it your duty to get in as many names as you can, fairly and rightly?—I consider it my duty to see that every man who is qualified is put on the register.

3105. Have you many lodgers in the sense in which we understand that term in England; are they, or are they not, simply residences under the same roof, with the same door, knocker, and bell?—They are so.

3106. All lodgers with you are of that description?—Nearly all.

3107. You are aware that in England we have scarcely anything of that kind at present?—I know you have not, but it is quite a common thing to have several lodgers registered for different apartments in the same house.

3108. *Chairman.*] Will you state what you consider to be the difference between a lodger and an occupier in Scotland?—If a gentleman takes what we call an entire house, a furnished house, we consider him the tenant and occupant of that house; we do not call him a lodger; he is the occupier of the house, but if a person takes apartments in a house we call him a lodger.

3109. Furnished apartments?—Furnished apartments.

3110. Therefore, what you mean by lodgers is men occupying furnished apartments not being rated?—Not being rated. If a man takes unfurnished apartments, he is entered in the valuation roll and rated.

3111. Sir *C. W. Dilke.*] Even if he has no street door or a door on to the stairs?—Certainly.

3112. Even if he has nothing in the nature of a door

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a door into a common staircase? — Precisely; there are three columns on the valuation roll, owner, tenant, and occupier. If the occupier is a different person from the tenant, then his name must appear on this list, and he is rated accordingly.

3113. Mr. *Candlish.*] How do you draw a distinction between an occupier and a tenant?—The occupier is the sub-tenant; the principal tenant is the person who takes the whole premises; and he sublets to those parties who we call occupiers.

3114. Has the question whether that occupancy by a dwelling-house or not ever come before your Superior Courts under the section of the Act of Parliament?—No, because we call anything a dwelling-house, if it is a place separately occupied by a family.

3115-16. Have your law courts confirmed you in that view?—Yes.

3117. Do you remember a case?—There are many cases reported, but I cannot name any particular decision.

3118. Sir *Stafford Northcote.*] Have you to employ any considerable additional staff for this work?—No, it is the same staff. There may be two or three clerks set apart specially for this duty, but I do not take on any extra clerks.

3119. You do not take on any extra clerks temporarily for this work?—No, I cannot get on with extra clerks. I keep them permanently.

3120. Your staff is appointed by yourself?—Yes.

3121. By whom are you appointed?—By the magistrates and town council of the city.

3122. Do you hold your office for life?—No.

3123. What is your tenure?—There is no special arrangement.

3124. Are you elected annually?—No.

3125. Mr. *Morley.*] You regard your office as a freehold?—Yes.

3126. *Chairman.*] By whom are you nominated?—By the magistrates and council of the city.

3127. Mr. *Morley.*] What is the exact title of your office?—Assessor of the burghs. I was appointed on the passing of the Act in 1855, and there has been no arrangement since.

3128. Mr. *Candlish.*] When you say the magistrates and town council, you mean the town council, do you not?—Yes.

3129. You include the magistrates because they are all members of the town council?—Yes.

3130. They vote in your elections as members of the council?—They do.

3131. Out of what fund are you paid?—The valuation department pays itself; that is to say, our charges for extra statutory duty pay the whole charges of the office. We prepare all the rating books, make up the charges against the collectors of the different rates, prepare all the ledgers for them, and we make charges against the parochial boards for that work, and a number of other things of that kind.

3132. Who pays you for the Parliamentary registration?—The Parliamentary registration is under the Registration of Voters Act, and that is paid by assessment. The council are required to levy a rate for that.

3133. Is the City of Edinburgh's rating area coterminous with the Parliamentary boundary?—It is.

3134. Are there boroughs in Scotland where that is not so?—I do not think there are any boroughs.

3135. *Chairman.*] I see in Mr. Nicholson's book it is stated that in some boroughs, as well as counties, there is more than one valuation authority, and when that is so for the purpose of registration, one of the valuation authorities is nominated to act, and the others act under his direction; is that so?—Yes; there is provision for that in the Registration of Voters Act.

3136. Does it operate practically in any of the boroughs in Scotland?—I am not aware of any.

3137. I suppose it does in counties?—Oh, yes.

3138. That is to say, one valuation authority is nominated as the principal registration authority, and the others act under his directions?—Yes.

3139. Mr. *Bourke.*] I think you said there were about 140 lodgers?—I think about that.

3140. Are there many changes which you expect annually in the 140?—A very small proportion, I should think; not above 30 out of that number would be changed; they are not a very migratory class.

3141. Does that include those which would be changed in consequence of successive occupation?—Yes.

3142. And those who come on newly?—Yes.

3143. Sir *C. W. Dilke.*] In the case of successive occupation, where you notice the same man in a changed place, do you in his case send him a form?—Oh, yes.

3144. *Chairman.*] How often do you collect your rates in Edinburgh?—They are all collected annually.

3145. By annual payments?—And I suppose the great mass of the working population live in annual tenancies.

3146. They are practically that, but they very often pay weekly or monthly, although they take for a year.

3147. But the rates they always pay annually?—Yes.

3148. Mr. *Wheelhouse.*] Who determines the amount of annual salary which you yourself shall receive? — The magistrates and town council.

3149. Is that subject to change or to increase?—Oh, yes.

3150. According to your and their arrangement generally?—Precisely.

3151. It is not a set annual salary with which you begin, and with which you may end?—They would not interfere with it if I did not; it would go on as a matter of course if I did not ask for an increase.

3152. At all events it is not actually a settled sum?—Oh, no.

3153. There is just one other question I wish to ask you. Let me understand precisely how it is that you make the entries of what we in England should call a duplicate voter. Supposing John Wilson lives in Burngate, and another John Wilson lives somewhere else, how would you distinguish between them so as to avoid putting one of them down twice?—That is done apart from the register altogether. The register is based on the valuation roll, and the basis of that is what we call our survey books. Those are the books used by my assistants, who visit the different properties in the city and make the survey. If they find John Wilson occupying a shed or a stable, or anything of that kind, it is presumed that the man has a house, and they ask him

e question and note at the side the situation of s house. Then we can, when it is brought o the office, check it, and if he is found at this ner place, then the reference numbers are put the book, so that we have no difficulty.

3154. In the reference book do you enter the n's name, John Wilson, again in duplicate?—, he is in the valuation roll in duplicate for e purpose of rating, but not in the register.

3155. Then in point of fact it will be one hn Wilson in his proper order in Burngate, and the margin would be a number referring to his ace somewhere else?—That is so.

3156. And is that number appended to the gister?—No, that number does not go on register; this number is on our private oks to prevent the double inrolment; that is r way of preventing a double inrolment. Then th proprietors, where it is a little more difficult check, I adopt this practice, so as to make a gister of proprietors. If a gentleman has operty in Edinburgh, supposing he has pro-rties at 12 or 13 different places, those succeed h other in the register, and there is no diffi-lty about him, because you turn to the register d see that the person has property at those dif-ent places.

3157. Mr. *Bourke.*] You say you have always gistered lodgers?—We have.

3158. Under the new Act, a class of lodgers ll come on the register who never were on fore?—Not necessarily; the qualification is actly the same, the only difference between e present and the former system is, that the dger must lodge a claim annually.

3159. Sir *C. W. Dilke.*] He must have re-ined in the same lodging; successive occupa-n is not allowed with regard to lodgers, is it?—Yes.

3160. *Chairman.*] Then, as far as the Reform t has operated in Scotland, it has placed the dger in a more disadvantageous position than was before?—I think, to that extent, it s.

3161. It has given the lodger no additional facilities, but has imposed upon him additional disadvantages?—Yes, it has.

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3162. Mr. *Lefevre.*] Do you consider that, by the previous law, you were bound to put those lodgers on the franchise that were entitled to the franchise?—That was thoroughly settled in the law courts in Scotland; they were entitled to be on the register before. Then, another reason why I think the scheme is objectionable, is that it is a great deal of trouble, in the Registration Court, to the sheriff, for instance; he is required to write all their names in his own handwriting.

3163. All the names of the claimants?—Yes.

3164. In all cases where it is necessary to make a claim, there is the additional labour of registration?—The sheriff must enter them with his own hand.

3165. You have no authority to put them on the list?—None whatever.

3166. Is it not a fact that the Act of 1867 was only an addition to the previous Act of 1832; therefore if the 10 *l.* lodger was entitled under the Act of 1832, he would still be entitled?—Yes, but that does not change his qualification.

3167. Sir *C. W. Dilke.*] As far as successive occupation is concerned, if what you have stated is correct, it disfranchises all the lodgers who have been successive occupants?—That is the interpretation you gave me. I think it is not so; I think the successive occupation continues.

3168. Mr. *Lefevre.*] I understand you that under the Act of 1832, the successive occupation of lodgers would entitle a man to vote?—Yes.

3169. Then nothing in the Act of 1832 is repealed?—Exactly.

3170. The Act of 1867 is really an addition to it?—Yes.

3171. Therefore, there is nothing to alter the condition of the lodgers under the Act of 1832?—I do not recollect at this moment how I read that Act to regulate my practice, but I know my practice last year was the same as formerly, namely, to recognise successive occupation.

Mr. Leofric Temple, called in; and Examined.

3172. *Chairman.* You are a Barrister on the rthern Circuit?—Yes.

3173. And you have been for some years upied as a revising barrister?—Yes, since the ar 1846.

3174. Therefore you have 23 years' experi-e?—Yes.

3175. What is the district you have recently ised?—For the last four or five years it has n the boroughs of Liverpool, Wigan, Bolton, arrington, and Rochdale.

3176. Some of the most populous boroughs, I pose, in England?—Yes.

3177. Do you consider that the present sys-n of registration, as far as the making out the s of persons entitled to be registered, upon ich you have ultimately to decide is con-ned, is a satisfactory system?—Very far from

3178. Do you find the lists very defective?—ry defective.

3179. Do the defects of those lists lead, in your gment, to vexation and annoyance to persons o are entitled to vote?—Yes; they lead to 0.43.

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a great many good votes being left out entirely.

3180. And I dare say some bad votes slip in too?—Oh, yes, a great many.

3181. Do you think it would be a good plan that the preparation of the original lists should be placed in some single permanent authority in the place of the overseers?—Yes; an authority whose duty it would be to make out the list, and who would look upon it as a duty, whereas the overseers only look upon it as something imposed on them, which they get rid of as soon as they can.

3182. Therefore you are in favour of transferring it from the overseers to a permanent authority, who shall be paid for the work, and whose business it shall be to do it?—Certainly.

3183. It has been suggested that instead of doing it by the parishes, it should be done by the unions; do you think the clerk of the unions would be a proper person to make responsible for the preparation of the lists?—I should think so; but I do not know to what class of persons the clerks of the unions belong.

 3184. Assuming

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3184. Assuming them to be competent persons it would be an advantage to have a single authority of that sort?—I think so.

3185. It has also been suggested that having got a competent person to look after the registration, it should be part of his duty to revise the lists which he has first made, by the light of the objections and claims, and, as far as he can, to form a judgment upon them, and to express that judgment before the revision; do you think that would be a good plan?—I think it would; I think it might save a great deal of vexation to the voters, if he were to go through the list and make amendments and arrangements. He could inquire as to altering numbers and names.

3186. In point of fact, he would prevent a great quantity of formal business being brought to the revising court?—Yes, he would.

3187. Do you think that would be a great relief to the voters?—I think it would; it would prevent the attendance of many thousands in such a place as Liverpool.

3188. Have you found, practically, that the present system imposes great hardship upon the people who desire to sustain their votes?—Yes; unless you arrange the business, they have to come and wait perhaps three or four days in some places. I ought to say that I have always arranged the business so that they are called up by fifties every hour; so that the people do not have to wait so much, but even then they have to wait.

3189. With reference to objections, do you think that the costs of objections ought to be made compulsory, and not discretionary?—I think in most cases they ought to be compulsory.

3190. Where a man persists in an objection after the registrar, upon inquiry, has decided against the objection, do you think he ought to pay the costs?—I think he ought; but at the same time I do not think the costs ought to be too great, or else it will deter people from weeding the lists of bad votes.

3191. Do you think 5 *s.* would be a reasonable sum to allow?—Well, I think there ought to be a scale, like they allow witnesses upon a trial; 5 *s.* would not be a compensation for one man to attend all day, whereas it would be for another; it would be for a working man, but it would not be for a merchant.

3192. I meant 5 *s.* as a minimum?—Yes, I think as a minimum it would do.

3193. Now, it has been suggested that it would be a good thing that the revising barristers should be placed to a certain extent, under the control of the Court of Common Pleas, so that the Court could make rules for their guidance; do you think that would be a good thing?—I think so, certainly, because the practice in different courts, even in the same district, is so different, that nobody knows what to do.

3194. You think that some alteration and control, so as to give unity of action, is desirable?—Yes; I think there might be rules for the mode of proceeding in the court.

3195. What we call *regulæ generales*, such as are issued in the courts?—Yes.

3196. This very scale which we have been speaking of might be part of such rules?—It might.

3197. It would then rest with the Court of Common Pleas to settle the scale of costs?—Yes; they would be settled according to a man's position; I may say I have for the last few years always made a scale of costs of my own; I have given so much for a professional gentleman, and so much for a merchant, so much for a skilled artisan, and so much for a mere labourer.

3198. Mr. *Lefevre.*] At present you cannot give costs of that kind, can you?—You can give costs, if in your opinion the objection is frivolous or vexatious.

3199. Perhaps you will be kind enough, when you revise your evidence, to annex to it the scale of costs which you yourself have acted upon?—I will do so. This is the scale I have made to guide me, taking into consideration portions of a day.

	£.	*s.*	*d.*
Professional men and merchants -	1	–	–
Tradesman - - - - -	–	10	–
Skilled artisan - - - - -	–	7	–
Labourer - - - - - -	–	5	–

3200. *Chairman.*] Is there any other point which you would desire to suggest for the consideration of the Committee?—I should suggest this, that whoever you appoint to make out the original list should be under some superintendence earlier than he is now, and there is no reason that I can see why the revising barrister should not be appointed in the spring assize instead of in the autumn assize, and then if the gentleman who is making out the list is in any difficulty, he could refer by letter to the barrister who is appointed for the district.

3201. So that, in point of fact, upon all questions of law, he could refer to the revising barrister?—If there was any difficulty at all upon which he wanted advice, he could then apply to the barrister, who would subsequently revise the list.

3202. So that that would give a far greater authority to his decision upon the matter of voters, they knowing that in point of fact he was generally acting upon the decision in point of law, that would ultimately rule the case?—Yes. I can easily fancy that many difficulties would arise to the gentleman who is making out the list, and it would save a great deal of trouble to the voters if it were referred to the revising barrister at once, because the barrister when he comes to decide upon it ultimately may take a different view from what the registrar did.

3203. The voter would know it was of very little use appealing against the decision of the registrar, because the decision of the revising barrister had been really practically given beforehand by means of the registrar, unless it was a question of disputed fact?—Yes. There is one point that I wish to state to the Committee that you should not give an appeal upon mere matters of fact. I think the appeal ought really to be only on the points of law, and mixed points of law and fact, because if it is merely upon fact how is the Court of Common Pleas to get the facts?

3204. The worst of that is, that there have been cases in which revising barristers have determined as a fact a thing which really in point of fact was a question of law, for instance, the question of what is a dwelling-house; the question was raised in a case which has been brought under our notice, in which the revising barrister said he would not give a case because

he decided as a fact that it was a dwelling-house?—That is a case in which I should think the Court of Common Pleas might have power to order him to state a case, because it is a mixed question of law and fact.

3205. Mr. *Bourke.*] It might be sent back for amendment?—It might be sent back; the Court of Common Pleas might have a certain power to make amendments themselves.

3206. *Chairman.*] The phrase is not quite a correct one; the question could not come under the cognisance of the Court of Common Pleas unless the barrister gives a case; the Court of Common Pleas has no power to decide where the barrister has not given a case?—No, they have not.

3207. What you would suggest as the proper form of doing it would be, I suppose, an application by way of mandamus, to the revising barrister to state a case?—Yes.

3208. That might be done in any case where there had been a miscarriage of justice; a man might apply to the Court on affidavit for an order to the revising barrister to state a case?—That is what I mean; it would not do to have every question of fact appealed.

3209. Mr. *Bourke.*] You would give large powers of amendment?—Yes; I would never let a vote be lost, because there was something that could not be amended.

3210. That is what you feel the want of most at present, is it not?—Yes; we have been restricted a good deal both by the decisions of the Court and the Act of Parliament in reference to amending, but I would amend in every case, so as to try the merits of the case.

3211. In many cases appeals would have been saved, I presume, if you had the power of amendment which you ought to have?—No doubt.

3212. Mr. *Morley.*] Have you read the case of Stamper *against* the Overseers of Sunderland?—I recollect it being argued.

3213. Are you familiar with that case?—I recollect the case, but I do not mean to say I have studied it.

3214. Have you ever had any difficulty in determining what is a dwelling-house?—No, I do not think I have.

3215. *Chairman.*] In such a case as this, where a man was living in one room on a staircase, that room being unfurnished, and a room which he takes, we will say, quarterly, unfurnished, opening on to a staircase, should you call that a dwelling-house?—No, I should call that a lodging, and I should allow his vote as a lodger.

3216. Mr. *Lefevre.*] If it is a cellar opening into the open air, without any common staircase, or communication with the rest of the house, should you consider it a dwelling-house, or what?—I should like to see if it was rated, and if it was rated, I should say that it may be considered a dwelling-house.

3217. Sir *C. W. Dilke.*] If you were an overseer, instead of a revising barrister, how would you look at it; that is the question?—That is a very difficult question for me to answer.

3218. *Chairman.*] Have you formed any opinion as to what is the difference between the definition of the inhabitant of a dwelling-house and a lodger?—No, there is no case which has arisen to draw my attention particularly to that; I may say that I had several cases in Liverpool before me, at this last revision, where people took unfurnished rooms, and they claimed as lodgers, and I allowed them as lodgers. I do not hold the furniture to be the test of whether a man is a lodger or not; they were not rated, they were in another man's house, and I allowed them as lodgers.

3219. Mr. *Lefevre.*] If you were to look at the question apart from the occupier's view, but simply as a question of franchise, how would you define a dwelling-house?—I think if there was a common staircase, I should look upon it as a lodging, but if there was an external door, as in the case of the cellar you put to me just now, I should think then it would be a dwelling-house.

3220. If there is one room only opening by a door into the street?—I should look upon that as a dwelling-house.

3221. Even if it be only a cellar?—Even if it be only a cellar.

3222. *Chairman.*] The great difficulty is as to what is the external door, is it not?—Yes.

3223. For instance, I suppose you would not doubt that the chambers in the Temple were dwelling-houses?—They are dwelling-houses.

3224. Then supposing that the door had only one room behind it, would it make any difference whether it had one room behind it, or whether it had three?—No; I do not think it would.

3225. Then do you consider that any rooms behind a door, opening upon a staircase, would be a dwelling-house?—I think there is a great difference between a staircase that has not an external door like those in the Temple, where there is no external door, and the staircase is like a public one, and a staircase where there is an external door; I should look at the structure of the building, in coming to the conclusion, whether it was a dwelling-house or a lodging.

3226. Take the case of the houses in Edinburgh, or the houses in Paris, occupied as apartments, to which there is an external door, of which the porter pulls a cord when you want to go in; do you think the existence of a street door would make the difference as regards these apartments?—I should rather think so, in cutting the knot.

3227. Mr. *Morley.*] We are endeavouring to discover some official who shall superintend in each district the registration; now, is your experience such as would lead you to believe that any person who was the clerk of the guardians or overseers, would be likely to be amenable to party spirit, which does so terribly prevail?—All I can say is, that I have found the overseers constantly partisans, and very strong partisans.

3228. Would there not be a danger in selecting some such officer, that one party or the other would be exercising an influence either in his appointment or in some way so as to affect him in some degree?—I think there would be danger in the smaller places, but there would not be so much danger in the large towns, because there there is public opinion to keep them in order.

3229–30. Have you been able to suggest any mode of counteracting that?—I only suggested just now that the revising barrister should be appointed earlier, so that he should have some control over the registrar while he was making out the lists.

3231. *Chairman.*] You would allow the public to appeal to the revising barrister, I suppose, beforehand, if they had any ground of complaint against the registrar?—If they had any ground of complaint against the registrar. I do not see why

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why they should not communicate with the barrister by letter.

3232. Seeing that the registrar was not doing what he ought to do with reference to them?—Yes, I think that would be a very good thing.

3233. Mr. *Rathbone.*] Do you think it necessary, after having fixed the costs, that they should be paid in beforehand, or have you found any difficulty in getting them?—I have never found any difficulty, because you cannot hear the same objector again until he has paid them. Under the present registration system the objectors are usually represented by one man connected with one party or the other; he objects, and he cannot be heard on a second objection until he has paid the costs of a prior objection in which he has failed.

3234. *Chairman.*] Is not that upon the assumption, that objecting is to be a professional business, and would it not be a very incomplete remedy, supposing you get the public to deal with the register as they ought to do, by taking a single objection?—I am afraid you will not get the public to do that. You will find it done by registration societies, and that is becoming still more so than it was when I was first appointed.

3235. Mr. *Morley.*] And is it not becoming so because of the excessive deficiencies in the present system. Do you not think it would be desirable to destroy the trade of objecting, for it is a trade?—It is a trade, certainly.

3236. Ought we not to aim at that?—I think you ought to make it a less profitable trade; that is the only way to stop it.

3237. *Chairman.*] Do you not think if we could get the registrar and the public to understand each other upon this matter, that they would, between them, settle the lists without the intervention of these political organisations?—I think so, at first, but you would find the registration societies spring up eventually, as they did before.

3238. Mr. *Morley.*] We have had evidence this morning from Edinburgh that they have have not had a single case of omission from the register; I understand that to mean that when the register was completed by the officer there was no ground for calling it in question?—I think you might, with advantage, diminish any interference of societies.

APPENDIX.

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APPENDIX.

Appendix No. 1.

PAPERS handed in by Mr. *Vernon Harcourt.*

No. 1.

G. Lushington, Esq., to the President of the Poor Law Board.

App. No. 1.

Office of W. Sedgefield, Esq., Bath-street, Abingdon,
14 August 1868.

My Lord,

I BEG most respectfully to make to your Lordship the following application concerning what appears to be a non-compliance on the part of the Poor Law officers of this town with the 40th section of "The Representation of the People Act, 1867," which provides, that "the overseers of every parish shall omit from the lists made out by them of persons entitled to vote for the borough the names of all persons who have received parochial relief within twelve calendar months next previous to the last day of July in the year in which the list is made out."

I am confident that your Lordship will not disregard the application on the ground that it proceeds from one who is not a ratepayer of the borough, but a candidate for its representation in the Liberal interest, and that your Lordship will deem it your duty to see that the Act of Parliament, so far as concerns its administration by the Poor Law Office, is carried out in its integrity, and with political impartiality.

On the first of this month, Mr. Preston, the assistant overseer and collector of rates for the parishes of St. Nicholas and St. Helen's, in this borough, published in accordance with the statute, the provisional lists of voters in those parishes for the borough. From these lists, if the 40th section of "The Representation of the People Act, 1867," had been observed, Mr. Preston would have excluded all those who had received parochial relief within twelve months before 31st July 1868, but no others, on the ground of their having received relief at an earlier period.

On applying yesterday afternoon, the 13th of August, with my agent, Mr. Sedgefield, who is a ratepayer of the borough, to Mr. Preston, to see the lists of the ratepayers who had received relief during the twelve months previous to 31st July 1868, Mr. Preston produced two lists, one of which purported to contain the names of those who had received relief during the half-year from Lady-day 1867 to Michaelmas 1867, without distinction between the two quarters, and the other was a similar list for the half-year from Michaelmas 1867 to Lady-day 1868. Neither of these lists contained the names of those who had received parochial relief in the nature of medical relief exclusively. Mr. Preston stated that these two lists had been furnished to him by Mr. Challenor, the clerk to the board of guardians of the Abingdon Union, according to the ordinary course of practice; that he, Mr. Preston, had not observed the dates of the periods to which the lists referred, beyond that they were the two last half-yearly lists which he had received; that he had not demanded any supplementary lists; and that, in determining whom to exclude from the lists of voters, on the ground of receipt of parochial relief, he had acted upon these two lists, and no others.

Mr. Challenor, when asked, informed me that he had furnished these two lists to Mr. Preston, in conformity with the 34th and 35th Articles of the General Order for Accounts issued by the Poor Law Board on the 14th of January 1867; that he had received from the Poor Law Board no instructions to furnish special lists to meet the requisitions of "The Representation of the People Act, 1867;" that he was not bound to furnish any other lists than those which he had furnished, and should decline to do so until directed by authority.

It thus appears that the overseer in preparing the lists of voters, had not the necessary information to enable him to comply with the Act of Parliament, by omitting from the lists all those who had received parochial relief during the twelve months preceding 31st July 1868, but that instead of a complete list of such recipients, he made use of two lists, which were partly incomplete, as applying to only eight of those twelve months, and as omitting all cases of purely medical relief, and partly irrelevant as applying to four months of a previous year. The result is, that the published lists of voters are incorrect in the following respects. One class of ratepayers has been improperly omitted from the lists of voters, viz., those ratepayers who received parochial relief during the four months from Lady-day 1867 to 31st July 1867, and not subsequently. Two classes have, on the other hand, been improperly placed on the lists of voters, viz., those who received parochial relief during the four

App. No. 1.

months from Lady-day 1868 to 31st July 1868, and those who received parochial relief in the shape of medical relief during the twelve months preceding 31st July 1868. The inaccuracy thus produced on the list of voters is, I need hardly say to your Lordship, of very great, though to the ratepayers altogether unknown, extent; the ratepayers, until the discovery of yesterday, had no reason to suspect that the provisions of the Act of Parliament made for their protection had not been complied with, and now they find, that by reason of the clerk of the union declining to furnish official information on the subject, they are without sufficient means to enable them to procure the rectification of the lists by claim or objection, before the revising barrister.

Such inaccuracy in the lists of voters, however contrary to the intent of the statute, and inconvenient to ratepayers, would not, in ordinary circumstances, necessarily confer an unfair advantage to either political party with reference to an election, since, *primâ facie*, it would operate equally to the prejudice of both. But in the case of Abingdon, it is otherwise, in consequence of Mr. Challenor, the clerk of the union, being also the Conservative agent. The Conservative agent, as clerk of the union, is in possession of complete information as to what ratepayers of Liberal opinions on the published lists of voters are open to objection, as recipients of parish relief in the period from Lady-day 1868 to 31st July 1868, or as recipients of medical relief during the twelve months previous to 31st July 1868, and as to what ratepayers of Conservative opinions are entitled to claim to be added to the list of voters from which they have been improperly excluded by reason of relief received in the interval from Lady-day 1867 to 31st July 1867. Similar information, *mutatis mutandis*, is denied to the Liberal party amongst the ratepayers, and that through the official conduct of one who, in his private capacity, is no other than the Conservative egent.

Whether Mr. Challenor, as clerk to the union, was possessed of authority to furnish to the overseer the lists of recipients of parish relief during the year previous to 31st July 1868, which were indispensable to the overseer in the discharge of his duty as prescribed by the Act of Parliament; whether it was Mr. Challenor's duty, if he did not possess such authority, to have applied for it; whether Mr. Preston, as overseer, was justified in using lists on their face incomplete and irrelevant, without asking for proper lists; these are questions which I submit to your Lordship, without venturing to express any opinion of my own beyond this, that if the course adopted by the clerk of the union and the overseer at Abingdon has been adopted elsewhere, the published lists of voters in every constituency in England and Wales have been framed on a basis different from that prescribed by the Act of Parliament. It is right for me to state that both Mr. Challenor and Mr. Preston have conducted themselves towards me with becoming civility, and frankly explained to me what had been done.

Under these circumstances, I humbly beg that your Lordship will think fit to send immediate instructions to the clerk of the Abingdon Union to furnish to the overseer of the parishes of St. Helens and St. Nicholas, for inspection by all ratepayers, the following supplementary lists of recipients of parochial relief:—

1. A list in respect of the period from 31st July 1867 to Michaelmas 1867.

2. A list in respect of the period from Lady-day 1868 to 31st July 1868.

3. A list of recipients of medical relief only during the twelve months anterior to 31st July 1868.

These supplementary lists will, together with the list already in the possession of the overseer in respect of the half-year from Michaelmas 1867 to Lady-day 1868, make up a complete list of those who received parochial relief of any kind during the twelve months previous to 31st July 1868.

Considering that the 25th of this month is the last day on which any claim or objection can be made which may lead to the rectification by the revising barrister of the erroneous lists already published, I trust that your Lordship will name some day in next week on which these supplementary lists shall be delivered to the overseer.

In conclusion, I beg, as a personal favour, that your Lordship will be good enough to send me an acknowledgment of the receipt of this letter by return of post.

I am, &c.
(signed) *Godfrey Lushington.*

Right Honourable the Earl of Devon,
President of the Poor Law Board.

No. 2.

(No. 41,918—1868.)

The Assistant Secretary to the Poor Law Board to *G. Lushington*, Esq.

Poor Law Board, Whitehall, S.W.
20 August 1868.

Sir,

I AM directed by the Poor Law Board to acknowledge the receipt of your letter of the 14th instant, on the subject of the default which you consider to have occurred in making out the list of Parliamentary voters in the borough of Abingdon for the current year.

The Board regret that, owing to your letter having been addressed to the Earl of Devon, the President of the Board, who is in Ireland, it was not opened in this office, and the answer of the Board has been delayed.

The

App. No. 1.

The Board have no jurisdiction over the general subject of the registration of voters, and have consequently no authority to give any opinion as to the conduct of the overseers of the several parishes in the borough of Abingdon in making out the lists in conformity with the 40th section of "The Representation of the People Act, 1867." They believe, however, that the overseers have officially no information as to the paupers within their parish other than that supplied by the lists mentioned in your letter, and the statutes do not give them any right to call upon any authority to supply further information on the subject to them.

The General Order of this Board, dated 14th January 1867, Article 35, requires these lists to be delivered to the overseers, who are required to lay the same before the next vestry meetings, and to preserve the same with the parish papers.

It appears from your letter that an inspection of these lists has been granted to you, in company with a ratepayer of the borough.

As regards other paupers, their names are entered in the books now in current use. The relief order book, the relieving officers' out-door relief book, and the masters' in-door relief book contain all the names of the persons in receipt of relief, and consequently will supplement the parochial lists transmitted to the parishes. Those books are, however, in the custody of the officers, whose duty it is to keep them. They have of themselves no authority to allow any inspection of them, and consequently in declining to furnish special lists to the overseers, or to supply information to any other person out of his relief order book, the clerk was only acting in strict conformity with his duties.

But those books are all under the control of the board of guardians. They can, under Article 57 of the General Order of Accounts, require their production whenever they think fit. If, therefore, an application be now made to them, either by a ratepayer of some parish in the union, or by some other person who can satisfy them of having a legitimate right to an inspection, it will be quite competent for the guardians to grant it. Under the peculiar circumstances of the clerks being an agent for one of the candidates, it seems to the Board to be particularly advisable that the guardians should acquiesce in the application, if made to them in time.

I am, &c.
(signed) *W. G. Lumley,*
Assistant Secretary.

Godfrey Lushington, Esq.,
at the offices of W. Sedgfield, Esq.,
Bath-street, Abingdon.

Appendix, No. 2.

(A.)

App. No. 2. COST of the REGISTRATION for the Year 1869 in the Burghs of *Glasgow* and *Edinburgh*, supplied by Mr. *Donaldson* and Mr. *Paterson*, the Valuation Assessors for these Burghs.

GLASGOW, 1868–9.

NOTE OF EXPENSE OF REGISTRATION OF VOTERS.

	£.	s.	d.
Accounts already paid:			
Clerks and Assistants	555	16	3
Rent of Office, Stationery, and Miscellaneous Expenses	103	11	7
Printing and Paper	1,196	8	8
	1,855	16	6
Accounts still to pay and not yet authorised by the Magistrates:			
Claims by Collectors of Poor Rates for furnishing Lists of Defaulters, Reliefs, and Paupers.	112	2	9
Rent of Town Hall	5	–	–
Assessor's Salary, not fixed, but estimated at	200	–	–
	317	2	9
	2,172	19	3

EDINBURGH.

COST of REGISTRATION in *Edinburgh* in the Year 1868–9.

	£.	s.	d.
Assessor	150	–	–
Assistant	150	–	–
City Clerk	50	–	–
Printing Lists, &c.	339	4	6
Advertising the Statutory Notices, &c.	32	18	6
Rent of Offices, &c.	40	–	–
Postages, &c.	25	9	4
Proportion of General Expenses	32	–	–
TOTAL	819	12	4

(B.)

ST of the PARLIAMENTARY BOROUGHS in *England* and *Wales*, showing the Unions and Parishes under eparate Boards of Guardians either Wholly or Partly within each Borough, and whether the Parliamentary nd Municipal Boundaries are Conterminous or not.—Supplied by Mr. *Lambert*, of the Poor Law Board.

ame of Borough.	Names of Unions or Parishes Wholly or Partly within each Borough.	Whether the Parliamentary and Municipal Boundaries are Conterminous or not.
NGLAND:		
ngdon	Abingdon	yes.
lover	Andover	no.
ton-under-Lyne	—	—
esbury	Aylesbury Wycombe. Amersham.	—
bury	Banbury	no.
nstaple	Barnstaple	no.
	Bath	yes.
ford	Bedford	yes.
wick-on-Tweed	Berwick-on-Tweed	yes.
erley	Beverley	no.
dley	Kidderminster	no.
kenhead	Birkenhead Wirral.	—
ningham	Aston Birmingham. King's Norton.	yes.
kburn	Blackburn	yes.
min	Bodmin	no.
ou	Bolton	yes.
ton	Boston	no.
dford	Bradford	yes.
lgnorth	Bridgnorth	no.
lgwater	Bridgwater	yes.
lport	Bridport	yes.
ghton	Brighton Steyning.	no.
tol	Bristol Bedminster. Clifton.	yes.
kingham	Buckingham	no.
nley	Burnley	no.
y (Lanc.)	Bury	—
y St. Edmunds	Bury St. Edmunds	yes.
ne	Calne	no.
nbridge	Cambridge	yes.
terbury	Canterbury Blean. Bridge.	yes.
isle	Carlisle	yes.
tham	Medway	—
Chelsea	St. Luke, Chelsea Fulham. Hammersmith. St. Mary Abbotts, Kensington. Hendon.	—
Cheltenham	Cheltenham	—
Chester	Chester Great Boughton.	yes.
Chichester	Chichester Westhampnett.	yes.
Chippenham	Chippenham	no.
Christchurch	Christchurch	—
Cirencester	Cirencester	—
Clitheroe	Clitheroe	no.
Cockermouth	Cockermouth	—
Colchester	Colchester	yes.
Coventry	Coventry	no.
Cricklade	Tetbury Cricklade and Wootton Bassett. Highworth and Swindon. Malmsbury. Marlborough. Chippenham. Calne. Cirencester.	—
Darlington	Darlington	yes.
Derby	Derby	yes.
Devizes	Devizes	yes.
Devonport	East Stonehouse Stoke Damerel.	no.
Dewsbury	Dewsbury	no.
Dorchester	Dorchester	yes.
Dover	Dover	yes.
Droitwich	Droitwich	no.
Dudley	Dudley	yes.
Durham	Durham	yes.
Evesham	Evesham	yes.
Exeter	Exeter St. Thomas.	no.
Eye	—	no.
Finsbury	Clerkenwell Holborn. Islington. Strand. East London. St. Giles and St. George. St. Luke, Middlesex. Hackney.	—

LIST of the Parliamentary Boroughs in *England* and *Wales*, &c.—*continued*.

Name of Borough.	Names of Unions or Parishes Wholly or Partly within each Borough.	Whether the Parliamentary and Municipal Boundaries are Conterminous or not.
Frome	Frome	—
Gateshead	Gateshead	yes.
Gloucester	Gloucester	yes.
Grantham	Grantham	no.
Gravesend	Gravesend and Milton North Aylesford.	no.
Greenwich	Lewisham Greenwich. Woolwich.	—
Great Grimsby	Caistor	no.
Guildford	Guildford	yes.
Hackney	Hackney St. Matthew, Bethnal Green. St. Leonard, Shoreditch.	—
Halifax	Halifax	no.
The Hartlepools	Hartlepool	no.
Harwich	Tendring	yes.
Hastings	Hastings Battle.	yes.
Helston	Helston	no.
Hereford	Hereford	yes.
Hertford	Hertford	yes.
Horsham	Horsham	—
Huddersfield	Huddersfield	—
Huntingdon	Huntingdon	no.
Hythe	East Ashford Elham. Romney Marsh.	no.
Ipswich	Bosmere and Claydon Ipswich. Woodbridge. Samford.	yes.
Kendal	Kendal	no.
Kidderminster	Kidderminster	yes.
Kingston-on-Hull	Sculcoates Kingston on-Hull.	yes.
Knaresborough	Knaresborough	—
Lambeth	Lambeth Camberwell. Newington.	—
Launceston	Launceston	no.
Leeds	Carlton Bramley. Holbeck. Hunslet. Leeds. Carlton. Barwick-in-Elmet.	yes.
Leicester	Leicester	yes.
Leominster	Leominster	yes.
Lewes	Lewes Newhaven.	—
Lichfield	Lichfield	yes.
Lincoln	Lincoln	yes.
Liskeard	Liskeard	no.
Liverpool	West Derby Liverpool. Toxteth Park.	yes.
London	City of London East London. West London.	—
Ludlow	Ludlow	no.
Lymington	Lymington	no.
Lyme Regis	Axminster	no.
Macclesfield	Macclesfield	yes.
Maidstone	Maidstone	no, but nearly so.
Maldon	Maldon	no.
Malmesbury	Malmesbury	—
Malton	Malton	—
Manchester	Chorlton Prestwich. Manchester.	no.
Marlborough	Marlborough	no.
Great Marlow	Cookham Wycombe. Henley-on-Thames	—
Marylebone	Paddington St. Marylebone. St. Pancras.	—
Middlesbrough	Guisborough Stockton.	no.
Midhurst	Midhurst Sutton. Westhampnett.	—
Morpeth	Morpeth	no.
Newark	Newark Southwell.	yes.
Newcastle-under-Lyme	Newcastle-under-Lyme Stoke-on-Trent.	yes.
Newcastle-on-Tyne	Newcastle-on-Tyne	yes.
Newport	Isle of Wight	yes.
Northallerton	Northallerton	—
Northampton	Northampton	yes.
Norwich	Norwich	yes.
Nottingham	Nottingham	yes.
Oldham	Oldham	no.
Oxford	Oxford Abingdon. Headington. Woodstock.	yes.

LIST of the Parliamentary Boroughs in *England* and *Wales*, &c.—*continued.*

ame of Borough.	Names of Unions or Parishes Wholly or Partly within each Borough.	Whether the Parliamentary and Municipal Boundaries are Conterminous or not.
yn and Falmouth	Falmouth	no.
rborough	Peterborough	—
rsfield	Petersfield	—
nouth	Plymouth	no.
efract	Great Preston Barwick-in-Elmet. Pontefract.	no.
e	Poole	yes.
smouth	Portsea Island	yes.
ton	Preston	yes.
ling	Reading	yes.
Retford	East Retford Doncaster. Gainsborough. Southwell. Worksop. Mansfield.	no.
mond	Richmond	yes.
n	Ripon	yes.
ndale	Rochdale	yes.
nester	Medway North Aylesford.	yes.
	Rye	yes.
ves	Penzance	no.
ord	Salford	yes.
sbury	Alderbury Salisbury.	yes.
lwich	Eastry	no.
rborough	Scarborough	yes.
ftesbury	Shaftesbury Tisbury.	no.
ffield	Sheffield Ecclesal Bierlow.	yes.
th Shields	South Shields	yes.
Shoreham	Cuckfield Thakeham. Steyning. East Preston. Sutton. Horsham.	—
ewsbury	Shrewsbury	yes.
thampton	Southampton South Stoneham.	yes.
thwark	St. Saviour's St. George the-Martyr. St. Olave. Bermondsey. Rotherhithe.	—
fford	Lichfield	yes.

Name of Borough.	Names of Unions or Parishes Wholly or Partly within each Borough.	Whether the Parliamentary and Municipal Boundaries are Conterminous or not.
Staleybridge	Ashton-under-Lyne	no.
Stamford	Stamford	yes.
Stockport	Stockport	yes.
Stockton	Stockton	no.
Stoke-on-Trent	Woolstanton and Burslem Stoke-upon-Trent.	—
Stroud	Stroud	—
Sunderland	Sunderland	no.
Tamworth	Tamworth	no.
Taunton	Taunton	—
Tavistock	Tavistock	—
Tewkesbury	Tewkesbury	yes.
Thirsk	Thirsk	—
Tiverton	Tiverton	yes.
Tower Hamlets	Poplar Whitechapel. Mile End Old Town. Stepney. St. George-in-the-East	—
Truro	Truro	yes.
Tynemouth	Tynemouth	yes.
Wakefield	Wakefield	nearly so.
Wallingford	Wallingford	no.
Walsall	Walsall	yes.
Wareham	Wareham Blandford.	—
Warrington	Warrington	no.
Warwick	Warwick	yes.
Wednesbury	West Bromwich Walsall. Dudley.	—
Wenlock	Shiffnall Madeley. Bridgnorth. Church Stretton. Atcham. Ludlow.	no.
Westbury	Westbury and Whorwelsdown.	—
Westminster	Strand St. George, Hanover-square. Westminster. St. Margaret and St. John	—
Weymouth and Melcombe Regis.	Weymouth	yes.
Whitby	Whitby	—
Whitehaven	Whitehaven	—
Wigan	Wigan	yes.

LIST of the Parliamentary Boroughs in *England* and *Wales*, &c.—*continued*.

Name of Borough.	Names of Unions or Parishes Wholly or Partly within each Borough.	Whether the Parliamentary and Municipal Boundaries are Conterminous or not.
Wilton	Wilton Alderbury. Amesbury.	—
Winchester	New Winchester	yes.
Windsor	Windsor	yes.
Wolverhampton	Wolverhampton Dudley.	no.
Woodstock	Woodstock Witney.	—
Worcester	Worcester	yes.
Wycombe	Wycombe	no.
York	York	no.
WALES:		
Beaumaris	Anglesey Bangor. Holyhead.	no.
Brecknock	Brecknock	no.
Cardiff	Cardiff Bridgend and Cowbridge. Pontypridd.	no.
Cardigan	Aberystwith Newcastle-in-Emlyn. Lampeter. Cardigan.	no.
Carmarthen	Llanelly Carmarthen.	no.
Carnarvon	Pwllheli Bangor. Conway. Carnarvon.	no.
Denbigh	St. Asaph Wrexham. Ruthin.	no.
Flint	Holywell St. Asaph. Wrexham. Ellesmere.	no.
Merthyr Tydfil	Merthyr Tydfil	no.
Monmouth	Newport Monmouth. Pontypool.	—
Montgomery	Llanfyllin Machynlleth. Newtown and Llandiloes. Montgomery and Pool.	—
Haverfordwest	Haverfordwest Narberth.	no.
Pembroke	Haverfordwest Pembroke.	no.
New Radnor	Presteigne Rhayader. Kington. Knighton.	—
Swansea	Neath Swansea. Bridgend. Llanelly.	no.

ABSTRACT.

Number of Boroughs comprised wholly or partly within one union	135
Ditto ditto two unions	25
Ditto ditto three or more unions	39
	199

Number of Boroughs where the Parliamentary and Municipal Boroughs are conterminous	84
Ditto ditto where they are not conterminous	68
Number of Parliamentary Boroughs neither of which is wholly or partly comprised within a Municipal Boundary	47
	199

(C.)

A SHEET SHOWING THE FORM OF THE REGISTER OF VOTERS, BURGH OF EDINBURGH, 1868-69.

No. XIII. NEWINGTON WARD.

Rillbank Crescent.

ber.	Number in Street.	Christian Name and Surname of each Voter at Full Length.	Occupation.	Place of Abode.	Nature of Qualification.
10	2	Nicol Baillie	Provision merchant	2 Rillbank crescent	Proprietor
11	3	Robert M'Nair Ferguson	Teacher	3 Rillbank crescent	Proprietor
12	4	Alexander Blair	Residenter	4 Rillbank crescent	Tenant and Occupant
		Rillbank Terrace.			
13	1	Alexander Smith	Inland Revenue officer	1 Rillbank terrace	Proprietor
14	3	David George Thomson	Stockbroker	3 Rillbank terrace	Proprietor
15	4	Alexander Crum Brown	Doctor of medicine	4 Rillbank terrace	Tenant and Occupant
16	5	William Ramsay Lawson	Accountant	5 Rillbank terrace	Proprietor
17	9	David Chisholm	Actuary	9 Rillbank terrace	Proprietor
18	10	Andrew Bruce Davidson	Professor	10 Rillbank terrace	Tenant and Occupant
19	13	John Sinclair	Mill master	13 Rillbank terrace	Proprietor
20	14	George Moncrieff Ogilvie	Cashier	14 Rillbank terrace	Proprietor
21	15	Andrew Findlater, LL.D.	Gentleman	15 Rillbank terrace	Proprietor
		St. Catherine's Place.			
22	—	James Burnet	Japanner	St Catherine's place	Proprietor
23	—	Alexander Orrock, junior	Bookbinder	17 Lutton place	Proprietor
24	—	Robert Middleton	Wire-fence manufacturer	St Catherine's place	Tenant and Occupant
25	—	William Alexander Aikman	Bank clerk	St Catherine's place	Proprietor
26	—	Andrew Aikman	Bank clerk	St Catherine's place	Tenant and Occupant
27	—	Alexander Bayne Wallace	Teacher of music	St Catherine's place	Proprietor
		Salisbury Place.			
28	8	Patrick Wilson	Teacher	8 Salisbury place	Proprietor
29	10	George Bird Mein Wyse	Bank agent	17 Charlotte street, Leith	Proprietor
30	12	Robert Ogle	Bookseller	12 Salisbury place	Proprietor
		Salisbury Place (West).			
31	12	John Martin Inglis	Plumber	12 West Salisbury place	Proprietor
32	—	William Tait	Plumber	West Salisbury place	Tenant and Occupant
33	—	James M'Donald	Shoemaker	West Salisbury place	Tenant and Occupant
34	—	Charles Smith	Joiner	14 Canning place	Proprietor
		Salisbury Road.			
35	1	Thomas Guthrie, D.D.	Minister	1 Salisbury road	Proprietor
36	3	John Greenhill	Gentleman	3 Salisbury road	Proprietor
37	5	Robert Hood	Doctor of medicine	5 Salisbury road	Proprietor
38	9	Ebenezer Murray	Auctioneer	9 Salisbury road	Proprietor
39	4	Alexander Boswell	Brushmaker	4 Salisbury road	Proprietor
40	6	James Robertson	Minister	6 Salisbury road	Proprietor
41	8	John Milroy	Civil Engineer	8 Salisbury road	Proprietor
42	10	John Bailey Bishop	Bank inspector	10 Salisbury road	Proprietor

REPORT

FROM THE

SELECT COMMITTEE

ON

REGISTRATION OF VOTER

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed*,
2 *July* 1869.

[*Price* 2 *s.*]

294.

Under 20 *oz*

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TO THE

REPORT

FROM THE

SELECT COMMITTEE

ON

REGISTRATION OF VOTERS.

Ordered, by The House of Commons, *to be Printed,*
2 *July* 1869.

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1. *Generally as to the Amendments and Facilities required in the Registration of Lodgers.*

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REGISTRAR OF VOTERS:

1. *Concurrence of Evidence in favour of the Appointment of one responsible Officer as Registrar of Voters in each Borough.*
2. *Suggestions as to the mode of Appointment, and the Qualifications of the proposed Registrar.*
3. *Question of Political partiality.*
4. *Exception taken to the proposed Appointment.*
5. *Conclusions and Recommendations of the Committee.*

1. *Concurrence of Evidence in favour of the Appointment of one responsible Officer as Registrar of Voters in each Borough:*

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1. *Objections to the present Operation of the Revising Barristers' Courts.*
2. *Proposed Issue of Rules and Regulations for the Guidance of the Courts.*
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6. *Conclusions and Recommendations of the Committee.*

1. *Objections to the present Operation of the Revising Barristers' Courts:*

Very unsatisfactory manner in which the revising courts have been conducted at Oxford, *Hawkins* 530–533——Trivial questions constantly before the revising barristers, there being

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being also much public dissatisfaction with the courts, so that an amended machinery is very desirable, *Hawkins* 646–658——Very unsatisfactory operation of the revising courts, the cases being very much hurried, and involving questions which should not come before a barrister at all, *Hawkes* 714–717——Several objections to which the operation of the revising courts is open; nature of the amendments required, *Murrell* 1041–1055——Uncertain decisions at Hartlepool as to what constitutes a house, *ib.* 1042, 1043. 1096–1102. 1119–1121.

Complaint as to the revising barristers at Tynemouth having struck off from the list an immense number of occupiers of portions of tenements, and as to very conflicting decisions having been given upon the question as to what constitutes a dwelling-house; details hereon, *Procter* 1154. 1163 *et seq.*——Unsatisfactory manner generally in which the revision has been conducted at Tynemouth, *ib.* 1198–1203——Retention by the same revising barristers at Newcastle of the same class of votes which they rejected at Tynemouth, *ib.* 1204–1212——Further reference to the wholesale defranchisement as having taken place irrespectively of objections, *ib.* 1242–1246. 1252–1263. 1271.

Frequent defect of just claims by the extremely technical character of revising barrister's decisions; instances of this, *Smith* 1354, 1355. 1377–1384——Varying and uncertain decisions of revising barristers, *ib.* 1376–1378——Satisfactory operation in the main of the revising barrister's court at Sunderland, *Hedley* 1635–1637. 1676——Want of uniformity in the decisions of the revising barristers, *Roberts* 1956, 1957——Instances of the variety of practice, and of the varying decisions of revising barristers, *ib.* 2004–2016——Exceeding strictness of the revising barrister in Marylebone, many claims having been rejected because of some trifling inaccuracy in the forms, *Cremer* 2213, 2214. 2222-2225.

2. *Proposed Issue of Rules and Regulations for the Guidance of the Courts:*

Concurrence of evidence in favour of rules and regulations being laid down for the control of the revising barristers, *Archer* 127–129; *Hawkins* 553; *Hawkes* 723, 724; *Hedley* 1677, 1678; *Roberts* 1958–1964; *Taylor* 2329, 2330; *Mitchell* 2771–2774——Approval of regulations being laid down by the Court of Common Pleas for the control or guidance of the revision courts, *Murrell* 1054, 1055; *Temple* 3193–3196.

3. *Suggested Alteration and Enlargement of the Revising Barristers' Power to amend:*

Improvement desirable as regards the revising barrister's power to amend, and as regards the exercise of such power, *Archer* 115–123. 218–223. 291–294. 395–402. 415, 416——Concurrence of opinion in favour of an enlarged power of amendment in the revising barrister, *Hawkes* 718. 870–872. 880; *Murrell* 1046, 1047; *Roberts* 1942–1945; *Taylor* 2321; *Temple* 3209–3211——Expediency of the revising barrister being compelled to amend all technical mistakes, *Murrell* 1117, 1118; *Hedley* 1676, 1677; *Roberts* 2041–2044——Expediency of enlarging and rendering more explicit and imperative the powers of the revising barrister to amend, *Smith* 1379, 1385, 1386——Approval of the revising barrister amending his own list after the claims and objections are lodged, *Hedley* 1626, 1627. 1677.

4. *Proposed Alteration in the Time of Appointment and Course of Action of the Revising Barristers:*

Suggestion that the revising barristers be appointed in the spring assize, and that the registrars should communicate with them in case of difficulty; contemplated power also of the public to appeal to the revising barrister when the list is being formed, *Temple* 3200-3203. 3229–3232.

5. *Question of abolishing the Revising Courts, or limiting their Action:*

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6. *Conclusions and Recommendations of the Committee:*

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6. *Conclusions and Recommendations of the Committee*—continued.

Recommendations as to the procedure in the revision court, *Rep.* xiii. xix——Defects in the constitution and working of the revising courts, there being a general complaint of a want of uniformity and consistency in their action and decisions, *ib.* xix——With a competent and experienced registrar, after the lapse of some years, the revising court ought to have little or nothing to do, *ib.*

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Roberts, Thomas Nichols. (Analysis of his Evidence.)—Is secretary of the Liberal Registration Association; has had a very long and extensive experience of registration in boroughs, 1870–1874——Conclusion as to the very unsatisfactory working of the present system of borough registration, the lists and registers being, for several reasons, exceedingly inaccurate, 1875 *et seq.*——Circumstance of the list of voters in all large boroughs not being made by the overseers themselves, though they are the persons responsible, 1880–1884——Impossibility of the list, as published on the 1st of August, being a correct return of occupiers qualified on the 31st July, 1885–1895.

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Advantage if the grounds of objection to any claim were in each case set forth, 1928–1930——Expediency of lodgers being put in the same position as occupiers, and of their claims being allowed to be sent in before the first list is made, 1931–1936——Undue technicality observed in connection with claims and objections, 1937–1942——Want of enlarged powers of amendment in the revising barristers, 1942–1945——Approval of appeals being allowed when security is given for costs, 1946, 1947.

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Doubt as to the proposed registrar being actuated by political partiality, 1974–1977. 2038. 2083–2087——Improvement if the list were made out by the clerk to the Union Assessment Committee instead of by the overseers, 1978–1980. 2003. 2037–2040——Approval of lodgers being allowed to claim in the same way as occupiers, without a fresh claim every year being necessary; though, as regards the first claim, some inquiry or check may be desirable, 1984–1987. 1992–2002. 2025–2028. 2049–2066——Suggestion with a view to checking frivolous claims, the abuse on this score being considerable in counties, but not in boroughs, *ib.* 1988–1991. 2029–2031.

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Opinion that the revising barrister should be compelled to grant an appeal, 2067, 2068——Varying decisions in the metropolitan boroughs as to lodgers' claims, 2069–2072——Statement upon the question whether the form of claim for occupiers is not very apt to mislead, no new form having been provided by the Reform Act, 2073–2082——Contemplated removal of the registrar if he showed political partiality, 2085–2087.

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Very small cost of registration in the small boroughs in Scotland, *Donaldson* 2678——Statement as to the appointment of assessors in groups of boroughs and in counties, *ib.* 2679-2684——In the county of Lanark there are at least four assessors, one being chief over the rest, *ib.* 2682, 2683——Obstacles to the adoption in England of the Scotch system of a valuation officer for making the register, though it has great advantages, *Lambert* 2920——Similar officer nominated for valuation and registration purposes in the Scotch boroughs generally, whilst in the counties some one valuation authority is selected to conduct the registration, *Paterson* 3133–3138.

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Separate Tenements. Diversity of legal opinions upon the question of rating the occupiers of houses let out in tenements, *Hedley* 1678——Practice in Glasgow of rating all persons occupying separate tenements or rooms in the same house, *Donaldson* 2559–2568.

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Immense number of claims in the City of London, when witness first undertook the registration in 1843, 1298–1300——Improved state of the registration in the city, the lists being corrected from year to year by aid of political associations: inexpediency of such correction depending upon political agents, 1303-1313——Instrumentality of witness in placing the lodgers in the city on the register, 1309——Effect of the present system in excluding vast numbers from the register, especially of the poorer classes, if left to themselves to claim, 1310. 1314, 1315.

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Evidence favourable to the proposed registrar correcting accidental or technical errors in the list, so that very few cases need be brought before the revising barrister, 1336–1347——Approval of the ground of objection being stated in notices given to the registrar, 1348–1353——Frequent defect of just claims by the extremely technical character of the revising barristers' decisions: instances of this, 1354, 1355. 1377-1384——Explanation of the facilities contemplated as regards claims and objections through the action of a competent registrar, 1354——Hardship in lodgers being compelled to claim registration, 1356——Grounds for contending that lodgers should be treated as rated tenants, and as having power to claim to be rated, 1356–1370.

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Further statement as to the lists being necessarily imperfect on account of the short interval between the date of qualification and of publication, 1410–1411——Excellent performance of their duties by the overseers in the city, 1412——Consideration of the suggestion as to street lists, witness objecting to dispensing with the rate-book as the basis of the register, or with the parish vestry as the polling place, 1413–1417——Opinion that it is absolutely necessary that one officer should, in lieu of the overseers, be responsible for the whole registration in any place, 1418——Very large extent to which the proposed officer or registrar would supersede the action of the revising barristers, 1418–1433.

Particulars in connection with the lodger claims in the City of London, and in the metropolitan borough: great difficulty in getting lodgers on the register, 1434–1451——Expediency of lodgers when once on the register not being required to prove their claim from year to year, if they have not removed within the year, 1452–1463——Respectable character of the lodgers in the city, 1452, 1453.

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Stamper Case. Evidence relative to the decision in Stamper's case at Sunderland, and its effect as regards subsequent omissions from the register: particulars in connection with this case, *Hedley* 1648, 1649. 1654–1658. 1670–1675. 1710, *et seq.*; 1768–1776——Dissent from the Stamper decision in so far as it has had the effect of excluding from the franchise occupiers paying rentals of 6 *l.* and 7 *l.*, *ib.* 1740. 1748. 1757–1760. 1765, 1766.

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Evidence favourable to a street list in lieu of an alphabetical list with the view to a formation of a correct register, *Archer* 46–62. 144–146. 261–270. 388, 389. 404–408; *Hawkins* 507–510. 558–570. 624–629; *Hawkes* 684–687. 841–855. 879. 909, 910. 934–938; *Baker* 976. 982, 983; *Murrell* 1022, 1023; *Hedley* 1625. 1628–1634. 1645–1647; *Boyd* 1820–1822; *Taylor* 2281–2283.

Way in which an accurate street list of occupiers may be procured, those not paying their rates being subsequently struck off, *Hawkins* 563–570——Practice in Birmingham as to making out the lists alphabetically, it being cheaper and more convenient to substitute a system of street lists, *Hawkes* 841–855——Doubt whether in the City of London the substitution of a street list for an alphabetical list would be an improvement, *Smith* 1316–1327.

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Successive Occupation. Undue amount of disqualification in cases of successive occupation, *Hawkes* 691. 695. 716. 733, 734——Hardship of the necessity of reclaims for successive occupation, *Murrell* 1118 —— Practice of witness, as assessor in Glasgow, in cases of successive occupation as regards entering the occupiers on the register; reference in all such cases to the valuation rolls, *Donaldson* 2578–2586.

Advantage of the proposed establishment of a single registration authority in respect of cases of successive occupation, *Rep.* ix. xv——Suggestions for the amendment of the list as regards cases of successive occupation, *ib.* xv.

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TO THE

REPORT

FROM THE

SELECT COMMITTEE

ON

REGISTRATION OF VOTERS.

Ordered, by The House of Commons, *to be Printed,*
2 *July* 1869.

294 —I.

Under 4 *oz.*

REPORT

FROM THE

SELECT COMMITTEE

ON

SALMON FISHERIES;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
27 *July* 1869.

Thursday, 17*th June* 1869.

Ordered, That a Select Committee be appointed to inquire into the present state of the laws affecting the Salmon Fisheries of England and Wales, and to report whether any and what amendments are required therein.

Friday, 25*th June* 1869.

Committee nominated of,—

Mr. Knatchbull-Hugessen.	Colonel Edwardes.
Mr. Liddell.	Mr. Knight.
Mr. Pease.	Mr. Henry Herbert.
Earl Percy.	Mr. Hambro.
Mr. Evan Richards.	Colonel Amcotts.
Mr. Staveley Hill.	Mr. William Lowther.
Mr. Whitwell.	Mr. Dodds.
Mr. Assheton.	

Ordered, That the Committee have power to send for Persons, Papers, and Records.

Ordered, That Five be the Quorum of the Committee.

Tuesday, 27*th July* 1869.

Ordered, That the Committee have power to report their Observations, together with the Minutes of Evidence taken before them, to The House.

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REPORT.

THE SELECT COMMITTEE appointed to inquire into the present state of the LAWS affecting the SALMON FISHERIES of *England* and *Wales*, and to report whether any and what Amendments are required therein :——HAVE considered the matters to them referred, and have agreed to the following REPORT :

THAT your Committee have taken Evidence ; but, in consequence of the late period of the Session, they have been unable to complete their Inquiry into the matters referred to them, and they have accordingly agreed to report the Evidence taken before them, and to recommend to The House the re-appointment of the Committee in the next Session of Parliament.

27 *July* 1869.

PROCEEDINGS OF THE COMMITTEE.

Monday, 28*th June* 1869.

MEMBERS PRESENT:

Mr. Dodds.
Mr. Assheton.
Mr. Evan Richards.
Mr. Henry Herbert.
Colonel Edwardes.
Colonel Amcotts.
Mr. Knatchbull-Hugessen.
Mr. Whitwell.
Mr Staveley Hill.
Earl Percy.
Mr. Lowther.

Mr. Dodds was called to the Chair.

The Committee deliberated.

[Adjourned till Tuesday, 6th July, at Twelve o'clock.

Tuesday, 6*th July* 1869.

MEMBERS PRESENT:

Mr. Dodds, in the Chair.

Colonel Edwardes.
Mr. Evan Richards.
Mr. William Lowther.
Earl Percy.
Mr. Whitwell.
Colonel Amcotts.
Mr. Hambro.
Mr. Liddell.
Mr. Henry Herbert.
Mr. Assheton.
Mr. Knatchbull-Hugessen.
Mr. Knight.
Mr. Pease.

Mr. *James Paterson*, examined.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 9*th July* 1869.

MEMBERS PRESENT:

Mr. Dodds, in the Chair.

Colonel Edwardes.
Mr. William Lowther.
Mr. Assheton.
Mr. Knatchbull-Hugessen.
Mr. Liddell.
Earl Percy.
Mr. Whitwell.
Mr. Hambro.
Mr. Henry Herbert.
Mr. Pease.
Mr. Evan Richards.
Mr. Knight.

Mr. *James Paterson*, further examined.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 13*th July* 1869.

MEMBERS PRESENT:

Mr. Dodds, in the Chair.

Colonel Edwardes.	Mr. Whitwell.
Mr. William Lowther.	Colonel Amcotts.
Mr. Henry Herbert.	Mr. Hambro.
Mr. Knatchbull-Hugessen.	Earl Percy.
Mr. Liddell.	Mr. Staveley Hill.
Mr. Assheton.	

Mr. *James Paterson*, further examined.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 16*th July* 1869.

MEMBERS PRESENT:

Mr. Dodds, in the Chair.

Colonel Edwardes.	Mr. Whitwell.
Mr. William Lowther.	Colonel Amcotts.
Mr. Henry Herbert.	Mr. Evan Richards.
Mr. Knatchbull-Hugessen.	Mr. Pease.
Mr. Liddell.	Mr. Hambro.
Mr. Assheton.	Mr. Staveley Hill.
Earl Percy.	

Mr. *James Paterson*, further examined.

Professor *W. J. Macquorn Rankine*, C.E., examined.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 20*th July* 1869.

MEMBERS PRESENT:

Mr. Dodds, in the Chair.

Colonel Edwardes.	Mr. Assheton.
Mr. Evan Richards	Mr. Whitwell.
Mr. Pease.	Colonel Amcotts.
Mr. Henry Herbert.	Mr. William Lowther.
Mr. Knatchbull-Hugessen.	Mr. Hambro.
Mr. Liddell.	Earl Percy.

Mr. *Francis Trevelyan Buckland*, examined.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 23th July 1869.

MEMBERS PRESENT:

Mr. DODDS, in the Chair.

Mr. William Lowther.	Mr. Assheton.
Mr. Evan Richards.	Earl Percy.
Colonel Edwardes.	Mr. Whitwell.
Mr. Knatchbull-Hugessen.	Colonel Amcotts.
Mr. Liddell.	Mr. Hambro.

Mr. *F. T. Buckland,* further examined.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 27th July 1869.

MEMBERS PRESENT:

Mr. DODDS, in the Chair.

Colonel Edwardes.	Mr. Whitwell.
Mr. Knatchbull-Hugessen.	Colonel Amcotts.
Mr. Assheton.	Mr. Staveley Hill.
Earl Percy.	Mr. William Lowther.

Mr. *Spencer Walpole,* examined.

Mr. *F. T. Buckland,* further examined.

The Committee deliberated.

Report proposed by the Chairman, read the first time, as follows:—

"That your Committee have taken Evidence, but in consequence of the late period of the Session, they have been unable to complete their inquiry into the matters referred to them, and they have accordingly agreed to Report the Evidence taken before them, and to recommend to The House the re-appointment of the Committee in the next Session of Parliament."

Report read a second time, and *agreed to.*

Ordered, To Report; together with the Minutes of Evidence and Appendix.

EXPENSES OF WITNESS.

NAME of WITNESS.	Profession or Condition.	From whence Summoned.	Number of Days absent from Home, under Orders of Committee.	Expenses of Journey to London and back.	Allowance during Absence from Home.	TOTAL Expenses allowed to Witness.
				£. s. d.	£. s. d.	£. s. d.
Mr. Wm. J. Macquorn Rankine - - -	Civil Engineer -	Glasgow - -	3	6 - -	9 9 -	15 9 -

MINUTES OF EVIDENCE.

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MINUTES OF EVIDENCE.

Tuesday, 6th July 1869.

MEMBERS PRESENT:

Colonel Amcotts.
Mr. Assheton.
Mr. Dodds.
Colonel Edwardes.
Mr. Hambro.
Mr. Henry Herbert.
Mr. Knatchbull-Hugessen.
Mr. Knight.
Mr. Liddell.
Mr. William Lowther.
Mr. Pease.
Earl Percy.
Mr. Evan Richards.
Mr. Whitwell.

JOSEPH DODDS, Esq., in the Chair.

Mr. James Paterson, called in; and Examined.

Mr. *J. Patterson.*

6 July 1869.

1. You are a Barrister-at-Law, are you not?—es.

2. And one of the Special Commissioners for nglish Fisheries?—I am.

3. You were appointed under "The Salmon shery Amendment Act, 1865," were you not? Yes.

4. I believe that, before your appointment, you d given very great attention to the subject of e fishery laws of this country?—Yes, I had ven them very considerable attention.

5. And you had written a book on the subject? Yes, I had.

6. Is it the fact that salmon has been the subct of legislation from a very early period of our story?—Yes; there is a series of statutes regting salmon fisheries commencing from Magna harta down to nearly the present time, in fact, ou may say down to the present time.

7. What was the general character of the old ws upon this subject?—The old laws embraced ry much the same points as are now considered und legislation, but they unfortunately failed one respect; they provided no organisation; ey did not provide the proper mode of working e legislation which otherwise they contained, at is to say, the machinery was very defective.

8. In fact, they provided no remedy for the ils aimed at?—They provided a remedy, but it as so defective and so difficult to work that, actically, it was no remedy at all, and in conquence of that no doubt the salmon fisheries ve very much declined from generation to neration, till at last they have become almost tirely ruined.

9. We have on the table before us, I think, a copy of the judgment pronounced by you in the Salmon Hall Fishery case, on the 10th of December last?—Yes.

10. I will ask you whether in that judgment you have noticed the chief of the old Acts relating to the salmon fisheries of this country?—Yes; particularly with regard to the question affecting the weirs in rivers, and the obstructions caused by the weirs to the passage of the fish; that was the main point to which I directed my attention in that judgment, and I think I noticed nearly all the existing statutes on that subject.

11. In that judgment you noticed the principal provisions with regard to the weirs?—Yes; and more especially as to the obstructions caused by weirs.

12. That being, in fact, one of the chief difficulties connected with the subject?—Yes; that is at present the principal obstruction to the restoration of salmon fisheries.

13. I need hardly ask you whether your attention has been particularly called to the Royal Commission which was issued in 1860?—I have had occasion, of course, several times to refer to it.

14. Are you familiar with the evidence taken before that Commission?—Yes; I have read it once or twice. There were certain prominent evils discovered at the time.

15. What were the principal evils that were so discovered?—They were principally under the head of weirs, or obstructions to the passage of the fish; secondly, fixed engines; thirdly, provisions relating to the close time; and fourthly, with

Mr. *J. Paterson.* 6 July 1869.

regard to the pollution of rivers. I am not taking them in the order in which they appeared in the Report perhaps, I am only stating the principal heads.

16. One of the prominent subjects mentioned in the Report of that Commission was also the uncertainty of the existing law with regard to salmon fisheries, was it not?—Yes, that was a very prominent subject; they seem to have come to the conclusion that nobody could tell how the law stood at all.

17. Are you of the same opinion with regard to the public generally, namely, that the then existing legislation was scarcely understood at all?—Scarcely understood at all.

18. The result of that Commission, was the introduction of a Bill into Parliament, which eventually became law, under the title of "The Salmon Fisheries Amendment Act, 1861"?—Yes, the Act was passed in 1861; of course I have nothing to do with what was the precise object in view at that time, except that I assume it was to amend the law.

19. That is distinctly stated in the Preamble to the Act, which runs, "Whereas the Salmon Fisheries of England have of late years been greatly injured, and for the purpose of increasing the supply of salmon, it is expedient to amend the laws relating to fisheries of salmon in England"?—Yes.

20. That Act introduced very considerable improvements on the existing state of things, did it not?—Yes, there were very great improvements introduced by that Act; in fact that Act contains good points as well as bad points.

21. Will you kindly enumerate them beginning with the good points?—I should say that one good point decidedly was amending the definition of the close time, or rather prescribing a definite period as close time. Formerly, as the Committee are aware, there had been considerable variation with regard to the close time proper for salmon, and the Act, I think George 3rd, after a great many previous changes, allowed the justices at Quarter Sessions to alter the then existing close time, into what they consider suitable for their own district; the consequence was a great variety of close seasons, and many people were ignorant of what was the proper close time applicable to particular districts.

22. I believe that difficulties arose principally where a river happened to be the boundary between two or more counties, because it sometimes happened that the close time on one side of the river was at one period, and the close time on the other side was at another period?—Yes.

23. That Act of 1861, not merely amended the annual close time, but the weekly close time?—Yes, in fact it created a weekly close time; that was entirely a new thing in England at that time, and that Act for the first time prescribed a weekly close time, as well as an annual close time. In Ireland they had already introduced the weekly close time in 1842, and in Scotland they had had it for some four centuries.

24. But that was the first introduction of it into the salmon fishery laws of England?—Yes.

25. Then I think the Act of 1861, also defined in a specific manner a number of offences?—Yes; that Act defined in a specific manner a great many minute offences, which were of course very important, but which had not been previously so definitely set out in any statutes.

26. With regard to those offences, the Act also imposed penalties?—Yes; it imposed a p[e]nalty, appropriate to each offence; for instance, see a penalty for taking young salmon, and [s]on; fishing with certain implements which we[re] considered destructive, spears, and the like.

27. I think the use of fixed engines was als[o] to some extent, prohibited?—Yes; the use [of] fixed engines was, to some extent, prohibite[d] that was dealt with in a certain way. The A[ct] made a general enactment applicable to all fix[ed] engines, saying that in future no fixed engin[es] should be allowed, but there was a saving claus[e] There was an exception in favour of such fix[ed] engines as had existed by virtue of any gran[t] charter, or immemorial usage, and that created large exception.

28. The Act also made provision with rega[rd] to gaps in fish weirs?—Yes; there is a provision [in] the Act with regard to gaps in fish weirs. [It] made it imperative after that date to have a ga[p] in every fish weir; that is to say, a weir devote[d] exclusively to the capture of fish, and created f[or] the purpose of catching fish.

29. Was the construction of boxes and cri[bs] in fishing weirs and mill-dams also dealt with?—Yes; that was also found important. The A[ct] of 1861 prescribed minute regulations with rega[rd] to the construction of particular boxes for catch[-] ing fish.

30. Those are the 29th and 30th sections?—Yes.

31. Was there any provision made by that A[ct] with regard to future weirs?—Yes; the object [in] putting these minute details into the Act wit[h] regard to fish weirs was, no doubt, to allow [a] certain reasonable space between the bars an[d] the boxes, so as to let small fish escape. The ob[-] ject of the clause was no doubt to enable the fis[h] to pass that barrier, and so go up to the upp[er] parts of the river. With regard to future wei[rs] generally, the only enactment was the on[e] which stated that any weir that was put up f[or] the first time after the passing of that Act shoul[d] have a certain opening, or at least a fish way, [a] part of its structure. But there was no provisio[n] which applied to existing weirs correspondin[g] with that.

32. Section 23 applies to fish ways in futur[e] dams?—Yes, dams that are made or raised [or] altered for the first time.

33. Are those the principal good points in th[e] Statute of 1861?—I should say those are th[e] principal good points in the Act of 1861.

34. Then, with regard to the defects of th[e] Act of 1861, the bad points, will you be goo[d] enough to explain to the Committee what, in you[r] opinion, those bad points are?—The great defec[t] in that Act is, that there was no really efficien[t] provision for dealing with the weirs that the[re] existed.

35. The existing weirs were not effectuall[y] dealt with by the Act at all, were they?—The[y] were scarcely touched by that Act of Parlia[-] ment.

36. At that time, is it your opinion tha[t] the want of knowledge as to the destructiv[e] character of those weirs with regard to fish[,] was one cause why that Act was defective?—[I] could scarcely say that it was from want of know[-] ledge in the parties who introduced the Bill, bu[t] if we take our inference entirely from the lan[-] guage of the Act, and the provisions of the Act we may say that there was a decided omissio[n] of all provisions calculated to ensure anything lik[e]

a passage for the fish over the existing weirs, yet the Commission of 1860 reported that the ers were choked up with a great number of rs, which were an entire barrier to the passage the fish.

7. The rights affected by the weirs were not h understood at that time, I presume?—I do think they were, at least I do not see any es of it in the Act of 1861. There was, you y say, no general enactment, making it com- sory to have openings or passages for the fish r the existing weirs. Now, the Commission of 0 had previously reported that nearly all the at rivers in England were actually blocked up one or two desperate weirs, which no fish ld possibly surmount, and there was no grap- g with that difficulty in the Act of 1861. re was a provision in the 23rd section of the of 1861, which was simply to this effect, and mounted only to this, that the proprietor of a ery, with the consent of the Home Office, ght attach to an existing dam, which he con- ered destructive and injurious to the fish, a s.

8. That is to say, where there was a several ery affected by an existing dam, they did it h the consent of the Home Office?—Every arian owner has a several fishery, you may say; t would extend all the way up the river. dam cannot be made in tidal water, or at st there are very few instances where dams e been made in tidal waters. You generally dams in the fresh water portion of the river, l all the persons with fisheries above that part the river would find their fishery injured by existence of those dams; therefore any such sons could go to the Home Office and obtain consent of the Home Secretary to attach fish ys, but the Home Secretary would require ple evidence to show that no injury was to done to the milling power, or to the supply of ter to the navigation or whatever it was.

39. Has that provision of the Act of 1861 been ctically a dead letter?—I am scarcely aware any instance in which it has been carried out, as to do good to anyone; but that is a matter hin the records of the Home Office, and per- os they have a list of the number of fish passes ich they have sanctioned. I may add that of urse the miller would always have an oppor- nity of showing cause to the Home Office about y pass, because the plan of the pass has to be omitted to the Home Secretary. He would obably explain that it would ruin his mill, or oduce some irreparable injury, and possibly Home Office might not be able to get over difficulty, and the consequence would pro- ly be that that section would never be acted on.

40. The power of the Home Office was limited a considerable extent under that Act of Par- ment, was it not?—The Home Secretary had tain powers, no doubt, under the Act of 1861, t they were limited so far to the particular tance of attaching a pass to the weir. The me Office had the power of compelling the ller to allow a pass to be made, provided they re first satisfied that it would do no particular ury to the mill.

41. The 24th section provides that the owner a dam shall urge any objection that he may nk fit to the Home Office?—Yes, it gives him t opportunity; under the Act of 1861, the Home fice had several other powers given to them.

In the first place, by the 18th section they had the power to extend or vary the close season, that is to say, the close season which was enacted by this very Act. The Home Office had also power to approve of a particular device calculated to stop the catching of fish by the putts in the Severn and other places.

42. That is to say, to make them incapable of fishing in the weekly close time?—Yes; to make them incapable of fishing; so that they could be put out of fishing gear on Saturday and Sunday; they could give their consent to any volunteer who wished to put a fish pass over an existing dam, or in the case of future dams, that is to say, dams that were to be set up for the first time after the passing of the Act of 1861; the Home Office was to approve the particular form of fish pass that was to be adopted as part of that dam. Then, again, by the 27th section the Home Secretary had the power to alter the width of the gap in fishing weirs under certain circumstances, and lastly he had the general superintendence given to him over all the salmon fisheries.

43. That was under the 31st section of the Act of 1861?—Yes, under the 31st section.

44. The Act authorises the appointment of two inspectors?—Yes; the Home Office had the power to appoint two inspectors for three years and to assign them their duties.

45. I find another important provision in the Act of 1861; I refer to the 39th section, by which all the existing general Acts with regard to salmon fisheries and certain private Acts relating to special rivers were entirely repealed?—Yes; that was a very important part of the Act. As the Report of the Commissioners of 1860 will show, one of the great evils was the supposed general ignorance of the state of the law, but on an examination of the Report of that Commission, so far as it bore on the legal question, you will find that they state a good many difficulties, and the general drift is that they rather confess and avoid them, and do not know how to meet them. They thought the best plan probably was to repeal all the old statutes, and to put an end as they thought to the difficulties.

46. The recommendation of that Commission was that the whole of the then existing law should be repealed, and the needful law consolidated into one statute, was it not?—That was the idea no doubt; they would naturally say, "We have perhaps 30 or 40 Acts of Parliament; some are local and some are general; the general Acts are very vague and difficult to understand, and the local Acts create a great many varieties of the law applicable to particular districts." And naturally they would repeal those Acts, and seek to re-enact them in a different shape, and they carried out that idea so far as the repealing of former Acts of Parliament went.

47. But the Act of 1861 was very considerably altered during its passage through the two Houses of Parliament, was it not?—Yes; I believe it was, though I have no particular knowledge of the fact. Then one of the effects of repealing those old Acts was this; there were some of the old Acts which dealt particularly with the very point of enforcing a pass in all weirs.

48. Did the Act of 17th Richard 2nd deal with that subject?—Yes; there is one Act particularly, which is the 17th Richard 2nd, and that Act seems to have devoted itself to that very point among others. At the time when the Act of 17th

Mr. *J. Paterson.*
6 July 1869.

of Richard 2nd was passed, the institution of justices of the peace in the new form of appointment had been created by the 1st of Edward 3rd. That power was vested in the Crown, and this Act evidently took advantage of that in order to transfer the jurisdiction of previous Conservators of Fishery Statutes to the justices of the peace, because under the new law dating from the 1st of Edward 3rd, there would necessarily be a body of justices of the peace appointed in all the counties of England, and as their main duty was no doubt to supervise the general administration of the law, particularly with regard to minor offences, they would always be in existence and ready to act. This statute transferred from the former Conservators the jurisdiction especially over the existing weirs; for instance, there is part of that statute 17th Richard 2, c. 9, which says this, "wherefore it is accorded and assented that the justices of the peace of all the counties of England shall be Conservators of the said statutes in the counties where they be justices, and that they and every of them at all times when they may attend shall survey the offences and defaults attempted against the statutes aforesaid," that is to say, offences pointed out in previous statutes; "and also shall survey and search all the weirs in such rivers, that they shall not be very strait for the destruction of such fry and brood, but with a reasonable opening after the old assize used, or accustomed, and that the same justices, or any of them which shall find default or abuse against the statutes aforesaid, shall make due punishment of them which he found in default after the content of the same statute." That Act of Parliament assumed that there had been well-known laws at that time applicable to the subject of weirs in all rivers, and this statute went to this length, that the justices of the peace in future had the duty imposed upon them of regularly surveying and searching the weirs in rivers so that they might not be too strait, but might have a reasonable opening. That Act continued in force until the year 1861.

49. That Act was repealed by the Salmon Fisheries Amendment Act of 1861?—Yes.

50. The 1 Geo. 1, c. 18, was also an Act of considerable importance with regard to some of the great rivers, was it not?—Yes. That Act of 1 Geo. 1, also dealt in a peculiar way with 17 different rivers in England, and prescribes certain regulations with regard to weirs, at all events weirs that would be set up after that time.

51. And it also provided for the preservation of the fry of the fish, did it not?—Yes, it also dealt with the fry, and also dealt with the subject of the size of the meshes, and so on. The Act of George the First contains a very important provision with regard to 17 rivers in England. It enacts, "that if any person or persons whatsoever shall at any time hereafter lay or draw any kind of nets, engines, or devices, or wilfully do or commit, or cause to be done or committed, any other Act whatsoever, in the said rivers, or in any of them, whereby the spawn or small fry of salmon therein, or any kepper or shedder salmons, or any salmon not being in length 18 inches or more, from the eye to the extent of the middle of the tail, shall be taken and killed or destroyed; or shall hereafter make, erect, or set any bank, dam, hedge, or stank, net or nets, across the said rivers, or any part thereof, whereby the salmon therein may be taken or hindered from passing or going up the said rivers to spawn; or shall fish in close season, or with other nets than are legal"; and so on, proceeding to enact the penalties. A specified penalty was imposed on the person who erected a dam which had that effect; and it also gave power to the justices, and there was an important provision at the end of the 14th section, but I will first read the list of rivers: "the Severn, Dee, Wye, Team, Were, Tees, Ribble, Mersey, Dun, Air, Ouse, Swaile, Calder, Wharf, Eure, Derwent, and Trent"; and then it says, at the end of the 14th section, "and the said justices or justices of the peace, before whom the person so offending shall be convicted, shall order such nets, engines, and devices, made use of in taking such fish, to be seized, and immediately cut in pieces, or otherwise destroyed in his or their presence; and shall also cause such banks, dams, hedges, or stanks, made or erected across the said river, to be demolished and removed at the charges of such offender, such charges if not paid down on conviction, to be levied in the same manner as the said sum of 5 *l.* is appointed to be levied." That statute was of course existing, and was repealed in 1861.

52. I think that others of the old Acts of Parliament afforded similar protection to riparian owners against the owners of dams and weirs?—Undoubtedly they did, because so long as the statute exists which prohibits specifically a thing to be done, and imposes a penalty, it is clear that no person could legally do the particular thing prohibited, or attempt to dispense with the statute or create an exemption from it. No power of combining with his neighbours or others could enable a man to dispense with the statute, and therefore all owners of fisheries above might sleep in their beds in security on the strength of that very statute.

53. Now, that protection which existed up to 1861 was, as we have found, entirely repealed by the Salmon Fisheries Amendment Act?—Yes, that protection was repealed by that Act of Parliament, and instead of transferring the remedy to some new or some existing body, it totally extinguished it.

54. One part only of the recommendations of the Royal Commissioners with regard to those laws was carried out, namely, the repealing of destructive part?—Yes, the repealing part; the reconstructive or salutary part they totally omitted. They repealed the old Acts, but they did not go on and consolidate them more simply and re-enact the same things.

55. I believe that one of the great defects of the Act of 1861 was, its omitting to continue the protection which previous Acts of Parliament had afforded to riparian owners?—Yes.

56. With regard to the effects of that repeal have you considered that question with regard to illegal acts?—I do not say that it has been disastrous as yet, but it may very shortly be so. Of course those who are interested in the matter will require to be very vigilant within the next few years with regard to what may happen. The danger would be this: suppose, for instance, the day before the Act of 1861 passed, a man set up a mill-dam 10 feet high, which hindered the passage of the fish so that no fish could jump over it; that would be in direct violation of the statute applying to the 17 rivers; therefore, so long as that statute continued in force it is quite clear that the setting up of that mill-dam could never become legal; because it was a direct violation of

e Act of Parliament, and no prescription can set up against a statute; but the moment you peal an Act of Parliament you throw the rties back to a state of nature, and they are en on the principles of the common law, and ac-rding to those principles of common law a rson might probably acquire the right to keep mill-dam of that description provided he main-ned it by mere continuance, for say, 20 years upwards; that is to say, if a person had set a mill-dam of that description before the Act 1861 passed (the penalty being repealed, the ole offence being repealed by the Act of 1861), en he would be in the same situation as if, mediately the Act of 1861 had passed, and e penalty was taken off, he had set up this eir under the principles of the common law; and ose principles would no doubt enable his weir ripen into a legal easement, which it might come after a certain time to a certain limited tent, and then it could not probably be inter-red with.

57. You consider, therefore, that there is some nger of an existing state of things that was egal prior to 1861, ripening into the condition of gal rights?—Yes; quite so. Taking the cir-mstances of our mill-dams as they existed, d which were illegal under the Act of 1 eo. 1; the penalty was taken off by the Act 1861, then the person from that moment ould be in precisely the same position as if he t up a mill-dam the day after the Act of 1861 as passed. If nobody interfere with him for years, and upwards, from the year 1861, he ill probably acquire the right to keep the ill-dam in that state for ever. That is the fect of the Act of Parliament destroying the medy.

58. Do you not think, in the general interests the public, that some of the provisions of those pealed Acts of Parliament that existed up to e year 1861 should be revived?—I should say at there was a great injustice done to those ersons who were stripped of the protection that ose Acts of Parliament gave them; that was pparently done by mere accident and inadvert-ncy.

59. The last clause repealing all the then isting Acts of Parliament on the subject, no oubt passed through Parliament as it was intro-uced?—I suppose so. Very likely there may ave been some compensating clauses elsewhere the same statute, being an attempt, no doubt, consolidate those old Acts of Parliament, and transfer the remedies in some way or other stead of extinguishing them.

60. That being in strict accordance with the ecommendation of the Royal Commissioners?—es.

61. You have mentioned the powers conferred the Home Office with regard to inspection?—es; I think I have stated all the specific points hat the Home Office was authorised to deal ith.

62. Had they power to direct gratings to be laced in some cases?—No; that was an absolute nactment of the statute, making it compulsory the owners of canals, and commissioners of avigations, and so on. That was by the 13th ction, it was a positive enactment, which did ot depend on the Home Office, to erect a grating ithin six months, and the particular place and rm of grating were to be approved by one of the Inspectors; that was the only duty cast on the Inspectors by the Act of 1861.

63. That Act of Parliament did not confer either on the Home Secretary or the Inspector, any power to institute proceedings with regard to illegal acts?—No; there was no power to institute prosecutions, or to see that the provisions of the Act were generally carried out.

64. After the Act of 1861 became law, had it the effect of exciting considerable interest in the salmon fisheries of the kingdom, and improving them, to some extent?—Yes; every person was so far satisfied that there was some great improvement made in the salmon fishery law, and, at first, considerable interest seems to have been taken all over the country in the working of the new Act.

65. But before the Act had been long in operation, I believe its defects were acknowledged on all hands?—Yes; in about two years the defects became more observed than the good points of the Act.

66. In the Reports of the Inspectors which have been presented to Parliament during the eight years that have elapsed since the passing of the Act, we find those defects pointed out?—Yes; the Inspector's Reports, from and after the Second Report, gradually began to enlarge very much upon the importance of some new Act of Parliament being passed, showing the obstacles that still existed to the restoration of the salmon fisheries.

67. This want of organisation, and the necessity for fishery districts being formed, was one of the first defects that was noticed, was it not, under that Act of 1861?—Yes; that was one of the prominent defects of the Act. There was no provision made in it for combining the different interests in a particular river or district, and giving them certain powers, and enabling them to appoint bailiffs, and agents, and so on, and a prosecutor for particular offences; that was entirely omitted in the Act, and the inspectors, very soon after the passing of the Act of 1861, seemed to feel that it was absolutely necessary, if any further progress was to be made, to have something in the nature of fishery districts made all over England. I may state that, of course, that notion was no doubt borrowed from Ireland, because there had been fishery districts appointed there for some years, and it was supposed to work very well.

68. The confusion to which you have already referred in the decisions of different justices upon rivers like the Severn, passing by different counties, tended to increase the desire for fresh legislation?—Yes; and there was another matter, namely, the mode of dealing with the fixed engines. A great evil with regard to those fixed engines was springing up day by day, and had been so for many years before, and nobody knew exactly how to deal with it. The Act of 1861 said that no fixed engine in future shall be erected, but then it saved all such fixed engines as had existed at the time of the passing of the Act, by virtue of any grant, charter, or immemorial usage; then the question constantly arose, What was the meaning of those words?

69. The whole of those were saved from the operation of the Act of 1861?—Yes; but the difficulty was to know what the saving amounted to, where it began and where it ended; the proceedings before the justices took place of course under the 11th section. There is a certain penalty

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put upon persons erecting fixed engines who have no title to keep fixed engines; then when the person is summoned before the justices for keeping a fixed engine, he goes before the justices, and says, "This is an ancient engine; I hold it under a grant, or charter, or immemorial usage"; or he sets up what is called a claim of right before the justices, and then the justices become embarrassed. The question arose in the Severn very frequently; persons having ancient fixed engines which they had enlarged, they might have a rank of 70 or 100 putts, and they might have added 50 more; the question was before the justices, whether that could be done. A putt is a conical basket used in the Severn, and the salmon runs into it and is fixed and caught. There are ranks of stakes put in the sea-shore across the current of the river; a person might have 300 of those baskets all set on their sides. After the passing of this Act somebody had added, perhaps, 100 more, and then when summoned before the justices, he told the justices that he had a right to put up as many as he liked, that it was a fixed engine existing under a grant, charter, or immemorial usage. The justice was puzzled, and did not know how to deal with the many difficult questions, and said, perhaps, "It is too difficult a question for me, you must take it into some other court." That he is of course entitled to do; it is the usual course for justices to take, and the consequence was that the people became dissatisfied.

70. Mr. *Knatchbull-Hugessen.*] You refer to the ordinary question of ouster of jurisdiction of justices when a question of title arose?—Yes.

71. You do not of course refer at all to the difficulty of dealing with a complicated case, but only to the difficulty arising with regard to a question of title coming before the justices?—Just so; the facts were generally plain; a man had 70 putts before the Act of Parliament was passed, and now he is using 100. The justices have a certain latitude. The first question is, whether this was a *bonâ fide* claim of title, and if the party was using it as a kind of make-believe or sham, the justices would of course say, "We will go into the merits of the case."

72. Mr. *Liddell.*] But does not the law require that such things should become a matter of civil actions?—Yes, in certain events; but if a party goes before the justices, and says, "I claim a perfect right to do what I am charged with doing here; my right is founded on a title deed;" the first question for the justices is this, "Produce your title." The justices have the power to decide that preliminary question; and if they come to the conclusion that the man is quite serious, and that really there is some ground for that contention, and that there are title deeds which he might say justified his claim, then the justices say, "We will not go further into the question; we decline to decide."

73. *Chairman.*] The remedy which has been referred to by an action at law was not one that was likely to be pursued in the Severn, for instance, where the injury done by a single row of these machines was very slight to a single individual?—Yes, just so; it was very doubtful what would be the proper remedy at common law; whether it would be an action or an indictment; it would be very expensive litigation no doubt.

74. The difficulties to which you refer, and others of a similar character, led eventually to the passing of the Act of 1865?—Yes; the Inspectors feeling those difficulties, and being satisfied that they could not be got over under the Act of 1861, recommended the Home Secretary to have a new Bill introduced, containing provisions to create some tribunal having jurisdiction to decide all those points, and to settle them once and for ever.

75. I see that the Fourth Report of Mr. Eden, who was an Inspector at the time (page 40 of the Blue Book) recapitulates the principal changes which he recommended in the Salmon Fisheries Act of 1861; has your attention been directed to those recommendations?—I have a general impression that they amounted to a recommendation that some tribunal should be appointed; Mr. Eden was at that very time a Commissioner in Ireland, and recommended that a similar Commission should be appointed in England to inquire into the legality of these fixed engines, and settle the question.

76. His first recommendation is the appointment of Boards of Conservators throughout the kingdom; that, I think, is one of the great features of the Act of 1865?—Yes; these were the two main points: one was the creation of fishery districts, and the other was the creation of Boards of Conservators; and there was a point with regard to the funds of those Boards of Conservators, which were recommended to consist of licensed duties, and a particular rate in aid or assessment; the third recommendation, you may say, was that Special Commissioners should be appointed.

77. Under the Act of 1865, those points have been attended to with regard to the fishery districts, license duties, and the appointment of Special Commissioners?—Yes; those points were carried out in the Act of 1865.

78. But no provision has been made for levying rates on the proprietors of fisheries, I believe?—No provision has been made to assess the owners of fisheries.

79. You are aware that in many districts the license duties do not yield sufficient funds for the protection of the particular districts?—Yes; some districts you may say are starved for want of funds, simply because the fisheries have been all but extinguished; there are no people who take out licenses to fish.

80. In such cases you could remedy that by conferring powers to levy a rate, could you not?—The only remedy is to raise a fund by means of some assessment upon all the persons who are likely to be benefited by what is to be done with those funds.

81. In fact, to give effect to another of the recommendations of the Royal Commissioners of 1861?—Yes, quite so; that was one of the original recommendations.

82. That system prevails both in Scotland and Ireland at the present time, does it not?—It does: there is power in Scotland and in Ireland to assess the owners of several fisheries in order to raise a fund for the purpose of working out any profitable views connected with the improvement of fisheries.

83. Is that principle open to any great objection, or is it a reasonable mode which might be adopted in England?—I think it is a fair, sound, and reasonable proposition.

84. Taking Scotland and Ireland, in what manner are the funds raised by rates now in those places; is it by an assessment on the value of each fishery, and are the systems alike in both places?—Yes, they are very much the same; in fact I may

y say they are absolutely the same. The rate ut on the owner of each fishery according to annual value.

5. And not according to the frontage?—No, according to the frontage. There was a pro- tion canvassed a good deal by the Inspectors by many persons interested in the fisheries, any principle of that kind ought to proceed n frontage, that is to say, that each owner uld be assessed according to the frontage g the bank of the river; but I think that is quite so fair as the yearly value, because every- y knows, in any river there may be a very iable pool, which is the creation of nature, out of that pool a person may obtain a great y fish, whereas the next mile down the river ht be all a narrow rapid that really yields no ; or the banks might be precipitous, or there ht be a hundred different reasons why a per- should not reap any benefit out of a particular of the river; whereas a hundred times the efit might be reaped out of a few square yards he river; therefore it would not be fair to a rate according to the mileage principle or frontage principle.

6. But take a river where the fishing is prac- lly of no value, would it not be necessary in cases to have an assessment based to some nt on the length of frontage, to supplement system that you refer to?—I do not say that a very unjust principle; there is a colour of ice in it, but of the two modes I should er the mode of estimating the yearly value particular fishery, which can always be e.

7. Where a fishery is of an assessable value would prefer to adopt that principle?—Yes. sibly at this moment you may get miles of r for 30 *s.* a year, and in the course of a few rs it might be worth as many pounds, and so each year the value might increase, and there- the power of deriving funds from it would ease; but there is no doubt that at the pre- moment you can scarcely name a mile of river ere a mile would not be worth some little sum, matter how small.

8. By whom is the assessment made in Ire- l?—The persons who value the fisheries for r law purposes, value of course all the eries; and the principle adopted is to put per cent. on the poor law valuation, and use t as a kind of fishery rate applicable to those ticular properties which abut on a salmon er.

9. Before the passing of the Act of 1865, we upon the Tees a landowners' association, ch adopted the principle of charging ¼ *d.* running yard of frontage near the source of river, and then ½ *d.*, and then a higher e below, until we got to the tideway; do you think that that plan might be adopted fairly a river where the fisheries have no rentable ue?—I think that is a fair principle to start h.

0. But would it not be the best thing to give ver to the Board of Conservators to levy, with sanction of the Home Secretary, if necessary, either one means or the other, as may be best pted to the particular circumstances?—Yes; it question entirely for themselves; they should ve the right to tax themselves in the mode eeable to the majority.

1. You would give power to the Board of nservators to supplement the license duties by 0.93. a power to raise funds in one or the other of those ways?—Yes, by something either in the nature of an assessment or a rate in aid, and which would only be resorted to for special purposes perhaps.

92. After such a power was conferred on any Board of Conservators, they would be able to raise sufficient funds for the protection of the district?—Yes; that would be a very fair mode of raising funds to work with.

93. With regard to the granting of licenses, have you any observation to make as to that?—With regard to granting licenses, I think there is not much to be said; at present there is power to enforce licenses and to make every person who fishes in salmon rivers pay a certain license duty, which of course forms a fund for the Board of Conservators to apply for the purpose of protecting the river and appointing bailiffs; it all depends upon this, that it ought to be a personal license; there is no other particular legislation required, I think; in my opinion the license should not be transferable, and it should not be capable of being evaded very easily.

94. The Act of 1865 prescribes in the Schedule the maximum license duties, does it not?—Yes.

95. Has your attention been called much to the way in which that works?—With regard to the particular sums allocated, I have not heard any particular complaint; I suppose it is regulated very much by the catching power of a particular implement.

96. At present there is no power under the Act of Parliament to modify those charges in different parts of a river, is there?—No; and there is no power to go beyond the maximum. There is a certain modifying power under the maximum, provided you have the assent of the Home Secretary.

97. One of the most important features of the Act of 1865 was, I think, the power to appoint Commissioners to inquire with regard to fixed engines?—Yes; there was power to appoint Commissioners for certain purposes, the principal purpose being to bring to the test of the law all existing fixed engines, and find out according to legal principles whether a particular engine was legal or illegal; if it were legal the Commissioners were to grant a certificate, and if it were illegal they had the power to order the fixed engine to be removed; that was deciding the thing for ever, and there was no further trouble about it. The Commissioners are authorised to embody in their order a description of a particular engine, defining it with regard to size, situation, and so on; and a copy of that order is to be registered with the clerk of the peace, so that everybody in the neighbourhood could easily find out whether any given engine that was being used was legal or illegal. If it had received a certificate, that was called a privileged engine, which means that a person can go on using it for ever; if it was illegal, any person going to the clerk of the peace's office, could find out at once whether a particular engine is illegal or not, and can conclude at once whether the person can be proceeded against and fined.

98. I suppose the Special Commissioners were put into operation by the local Boards of Conservators throughout the kingdom applying for their opinion and advice?—Yes; and the advice of the Commissioners has also often been asked with regard to collateral matters; the justices have found themselves in difficulties perhaps in dealing with

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particular matters under the Fishery Act, and they have consulted the Commissioners, and though the Commissioners are not bound to answer anything beyond the range of their own immediate duties, still they consider that they are to assist the public; and if anyone applies for advice bearing on a legal part of the subject they feel themselves bound to give that advice.

99. No doubt the object of the Legislature was to constitute a tribunal, by means of which the legality of the existing weirsand dams, under the Act of 1861, might be determined?—Yes, that was theprincipal duty imposed on the Commissioners; they had the power given them for that purpose; they hold local courts for the purpose, and they hear evidence *pro* and *con* just as any other court would do, and come to a conclusion after hearing both sides, whether a particular engine is legal or illegal; then there is the power of appeal to any of the three superior courts, and of course the Commissioners are then very much in the same situation as the justices are, when a special case for the opinion of a superior court has been granted by the bench of justices.

100. Do you think that the effect of the appointment of Special Commissioners under the Act of 1865 was to save a considerable amount of litigation?—Undoubtedly there might have been very complicated and expensive proceedings with regard to every one of those fixed engines if some tribunal had not been created for the purpose of deciding it summarily once and for ever, either in the shape of the action of any individual whose rights were interfered with, or possibly by indictment for a public offence; in one way or the other, and possibly in both ways.

101. An honourable Member desires me to ask if you will be good enough to explain to the Committee what constitutes a legal fixed engine?—The only thing is that if I were to go very minutely into that I should be deciding cases that we may have to try; but I should say that the principle to apply to an engine is this: fixed engines as a general rule exist in tidal waters, and the general rule is that in the tidal parts of a river or the sea, no individual has the right to set up a fixed engine for the purpose of catching fish; that is to say, unless he had some grant created by the Crown previous to Magna Charta. That is the general legal principle on which these things turn; of course it is not meant by that, that a gentleman has to produce any document as old as Magna Charta; it is enough if he produce the best evidence he can, or if he shows any document which he may have, and shows the longest period of time during which he has used that right. If, on a view of the whole evidence, the court come to the conclusion that it is reasonable to think that he must have had a title created at the time when it was legal to make such engines, then the court draws an inference that some grant or other must have existed at that time, and that the engine is legal.

102. In fact, the Special Commissioners act on the ordinary rules of evidence applicable to such cases?—Yes, and any Court in Westminster Hall would act precisely on the same principle. There is no peculiarity about it.

103. Do you find that the Act of 1865 has worked satisfactorily?—Yes; I think it has worked satisfactorily.

104. Do you happen to know how many cases the Special Commissioners have inquired into since their appointment?—I think the number of cases inquired into by the Commissioners is 3[illegible]. That I believe is the number disposed of up the present time.

105. In how many of those cases have the cisions of the Commissioners been questioned any way; are any of the 351 cases still pendi —Yes, I should say that about 10 of them pending. The number of notices of appeal were given after the decision of cases by the C missioners amounted to 39. Out of that numb two appeals have been withdrawn shortly af notice of appeal was given; 10 were abandone and eight have been affirmed. Then there w some cases which were remitted for furth hearing, and that was substantially an affirma of the judgment of the Commissioners up to th point. There were seven of those cases remit for a second hearing, and then there have be two cases reversed.

106. What are the names of the two ca reversed?—There is Mr. Garnett's case on t Ribble, Backhouse *v.* Garnett; that is the C theroe case. Then there is another in Devo shire, Rolle *v.* Whyte.

107. Then there are some of the cases of app still pending?—Yes, there are 10 which a pending.

108. That makes up altogether the 39 ca which you mentioned?—Yes, that disposes of t 39 cases which I have referred to.

109. In how many cases have you granted c tificates of legality; is it 83?—I have not look into that matter, but I have no doubt that the turn which you possess from the secretary correct.

110. Then are there any other cases pendi before you?—Yes, there are several other ca which have not yet been heard.

111. So that out of the 351 cases which y have heard up to the present time, your decisi has only been reversed in two cases?—In t cases.

112. That is to say, the two cases which y have mentioned?—Just so.

113. By what Courts have your judgmen been reversed?—By the Court of Queen's Ben in both cases.

114. I think I understood you to say, a lit while ago, that there is no Court of Appeal fr the superior Court, so that if the Court of Quee Bench decide in one way and the Court of Co mon Pleas in another, there is no Court of ul mate appeal?—Just so.

115. In your opinion, should not that be p vided for in any amended legislation?—Yes; n only the Judges, but the Attorney General a Mr. Justice Hannen, have said that in these ca which involve the most intricate questions th can be imagined, there should be a mode of ca rying the thing further.

116. It is obvious that there should be an a peal to the highest Court of judicature in t kingdom?—Yes. The other day the Lord Ch Justice said that a particular point very like the which sometimes arose in the cases before us oug naturally to be carried to the highest Court the country; it is just the very kind of questi that ought to be carried to the highest Court the kingdom.

117. With regard to the stake nets that exist in various parts of the country, the powers co ferred by the Act of 1865 were found to be ve efficacious, were they not?—I believe so; I [illegible] he

ve that in all parts of the country they are isfied with those powers.

118. In the case of my own district, the Tees, you not inquire into the legality of stake nets re, on each side of the estuary of the river, ne time ago?—Yes.

119. The whole have been declared illegal, and v have since been entirely removed?—Yes.

120. That particular power conferred on the mmissioners by the Act of 1865, was found eedingly useful, was it not?—Yes, it has abled these questions to be disposed of once for ever, so that they can never trouble the ntry again in any shape; I may add that there s no power conferred by the Act to try fixed ines which belong to the Crown. Now in e rivers, the Wye and the Severn, for example, se questions are considered a great grievance a particular district, because you find a par- lar engine, which belongs to a private pro- ctor, swept away, while half-a-mile further down re is an engine precisely similar belonging to Crown, and possibly not a bit more legal, left nding.

121. Is it your opinion that such powers should conferred on the Special Commissioners?—I no objection to it. The Commissioners of oods and Forests have been in communication h us once or twice on the subject, and they e expressed an opinion lately that such power uld be conferred on the Special Commis- ners.

122. In fact, Her Majesty, through Her Com- sioners of Woods and Forests, is willing to be nd by the same laws as Her subjects on that nt?—That was two years ago, and we quite ieve so.

123. At all events, the absence of power to uire into the Crown engines is a defect under present law?—Yes, I think the whole subject uld be inquired into, including the engines onging to the Crown.

124. Does any other point suggest itself to you o the power of the Special Commissioners with pect to fixed engines?—No, the power of eal from the superior courts, and the power h regard to Crown engines, are the chief nts.

125. Subject to power being conferred on Special Commissioners or some other body, h regard to those two points, you think that law of 1865 has worked well with regard to d engines?—I think that it has worked l.

126. Now, if you had found when you were uiring into the legality of stake nets, say, on sea shore, that they had existed from time nemorial, should you have regarded them as l fixed engines?—Do you mean fixed engines he open sea?

127. I mean fixed engines on the sea shore for hing fish; supposing they had happened to e existed from time immemorial?—If you e arrive at the conclusion that some grant of Crown before Magna Charta created them, y are as legal as anything else in the country.

128. That would exemplify the kind of legal d engines of which the Act contemplates the ibility?—Yes.

129. But those cases that you did inquire into found illegal were comparatively modern es, were they not?—Quite so; they did not ke out that the Crown had made such a grant ne time before Magna Charta.

130. Do you know any case of a legal fixed engine of the character of a stake net anywhere?—We have not had to deal with any case of a stake net in England, except in the Duddon, I think. I think Lord Lonsdale made a claim to two stake nets, or Scotch nets, in Cumberland, on the Duddon, but that case has not yet been decided; that is the only case in which there is such a claim, I believe. Yes, there was another claim made by Lord Lonsdale in the Solway, but he included that right in one or two other claims.

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131. Is that one of the cases still pending?—Yes, there is an appeal pending.

132. Is that in the Salmon Hall case?—No, that is a case in the Solway.

133. Is that a case wherein the question with regard to the legality of a fixed engine is to be decided by one of the superior courts?—There have been several appeals involving that point.

134. But that case remains to be decided by one of the superior courts, I suppose?—Yes, that is one of the cases.

135. Then, with regard to mill-dams, do you find that the powers of the Act of 1865 are satisfactory with regard to them?—No, there exist in the Act of 1865 the same defects as in the Act of 1861, namely, a total absence of any provisions for dealing with the legality of existing weirs so far as they hinder the passage of the fish.

136. Are you of opinion that this branch of the subject, as it affects the salmon fishery laws of this kingdom, is one of the highest importance?—I consider it the only question almost worth considering.

137. You think that it is of the greatest practical importance?—Yes; it lies at the root of anything like progress; the capabilities of any river or district with respect to the salmon fishery will never advance, unless power is given to have that inquiry carried out by some persons.

138. And to have the difficulty occasioned by the mill-dams and weirs surmounted in some way or other?—To have the difficulty surmounted in some way or other, there must be lodged in some persons or body the power to inquire into that subject which has never yet been inquired into.

139. Will you be good enough to explain to the Committee why you consider this matter of so much importance?—I will produce a diagram explaining the whole operation of the obstructions caused by mill-dams or weirs in the rivers (*A copy of the Diagram being handed to each Member of the Committee*). If the Committee will look at this diagram, which, of course, is partly imaginary, but which shows the exact relative position of the various parties interested in a salmon river, they will see near the middle of the diagram a part coloured pink; below that, there is a part of the river coloured light green, and at the bottom there is a part coloured light blue; at the bottom of the diagram, in that part coloured light blue, you will see the word "Estuary." Now, the estuary is that part of the river which, of course, is tidal water; the tides go up each river a certain distance; I suppose they stop at the line marked Z on that diagram; immediately above Z, there is a part of the river in its natural state, the part coloured light blue. Then, further up, when you come to the pink part of the diagram, that is a part of the river which you may say is put in an unnatural condition by the mill-dam erected across the

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bed of the river; that consists of a solid wall of masonry rising from two feet to perhaps 15 feet high, according to circumstances; the object of that mill-dam is to pond up the water, and it ponds up the water to a certain extent, so that floodage is caused upon the lands lying a good way beyond this mill-dam: the limit of the floodage goes up to the limit of that pink portion; above that again the river is in its natural state; now, in order that the salmon may frequent the river at all, it is absolutely necessary that they should have some place where they can spawn in fresh water; that is an axiom admitted and assumed as an incontrovertible fact in all the statutes.

140. In fact, the life of a salmon is spent in passing from the fresh water to the salt water?—Yes, it goes up the river to breed, and then comes down the river again to the salt water to feed and recruit. Then the young fish that are hatched in the upper part of the river, after 18 months of existence, take a yearning to go down to the sea, and of course, if there is any obstruction, if that dam is impassable, either for the fish going up to breed, or for the young fish coming down to grow in the sea, it tends greatly to deteriorate the stock. If the result of that dam is a total obstruction so that no fish can pass up, you may say that that will annihilate the whole breed of fish in the course of a year or two; that is almost invariably true, if there is no part of the river below the mill-dam beyond the limit of the tides where they can breed; of course if there is a piece of water between the dam and the sea where they can breed, that will, to some extent, keep up the fish, or an appearance of fish, but so far as all the persons who are above the mill-dam are concerned, if the mill-dam is impassable to the fish, of course none is ever seen above that weir for all time thereafter. This is the way in which the dam may begin: in the first place, the way in which a mill-dam is set up in this country is by the owner of a piece of ground on each side of the river either purchasing or obtaining permission to put up the erection. Suppose he has obtained permission from the owner, or purchased it, I will suppose the owner to be represented by the letter G., on the left side of the diagram; another piece is marked F.; suppose he has bought up a certain bit of ground from G. and F. on one side, and from somebody else on the other side, he then proceeds to make a dam, and the moment he makes the mill-dam, assuming that it is impassable to the fish, as in many cases it is, the consequence on all persons above the dam is this: in the first place, that dam causes floodage, and that floodage extends a certain way up the river, say for a mile, but there may be an extreme case; in some cases it may be two miles, varying with each river; if the bed of the river is nearly level at that place, of course the floodage will extend further up. The moment this mill-dam is built, it causes floodage on all the lands extending up as far as that pink part of the diagram, then each of the owners between the limit of the floodage and the mill-dam would at once have a right of action against the miller, because it throws backwater upon their river, which, in a state of nature, those lands were not bound to receive; in fact, the effect of that is to create a perpetual servitude of floodage upon the owner of the land existing between the line CC and the mill-dam. That is an actionable injury, and each of those persons, say D and E, for instance, supposing the miller has not bought from D. and E. the right to do this injury, can immediately commence an action against the miller, and there could be no defence, the Court would immediately give judgment, and the consequence would be that unless the miller knocked down his mill-dam they could go on bringing a fresh action every day, and he would ultimately have to take down his dam. But if D and E, who have observed this floodage to take place on their lands, do not bring this action for a period of 20 years, then the Prescription Act which governs the law in England, applies to such a case. The effect of that Act of Parliament is this, that if D and E do not, within a period of 20 years after the mill-dam was put up, bring an action against the miller for floodage, they are concluded for ever after, and the miller acquires a legal right to keep up that mill-dam.

141. You mean as against those two persons?—As against D and E. In fact, if those two gentlemen D and E allow 20 years to elapse, their right at common law is gone, and the miller can keep up his mill-dam for all time, as against them.

142. Not merely with regard to D and E, but with regard to A, B, and C, who are above the limits, I presume?—Yes, to this extent; the effect of the mill-dam is to cause one particular kind of damage to D and E, and that cause is floodage; that of course is an actionable injury; any man, whose lands are flooded on account of anything which is done by a riparian owner further down the river, may say, "In a state of nature my land had no water on it, but now, since your mill-dam has been built, the water is a foot deep in one of my meadows." The reason of that state of the law is, that D and E are supposed to have seen positive damage to their land every day during 20 years, and the law says it is due to their own negligence, "you have impliedly consented to this, and given an implied grant to the owner of the mill-dam." But the miller is entirely at the mercy of D and E within the 20 years. But that is not the only injury that the miller commits against D and E, because he not only floods their meadows, he prevents all the salmon coming up into their part of the river; that is a separate cause of action; each of them could bring an action against the miller for preventing the fish coming up to his part of the river; it is an obstruction of the exercise of a legal right. D and E have each a legal right to catch as many fish in that part of the river as nature allows to come up; and if that right is stopped by someone else doing something on his own lands further down, a cause of action arises. If you go beyond the pink limit you see A, B and C, those are the upper riparian owners, and they suffer precisely the same injury from the mill-dam, in respect of catching the fish, as D and E; but A, B, and C would not be presumed as a general rule, by a court of law, to know anything about the mill, because they do not see any visible effect of the mill on their land. There is no floodage, and they have no grievance on the ground of floodage; with regard to stopping the fish, they may draw their inferences; they may find that very few fish, or perhaps no fish at all frequent the river, still they can only have a suspicion of it, and if they find out that it was caused by the existence of those mill dams, no doubt A, B, and C could also bring an action

again

against the miller. But, in a given case, A, B, and C are living perhaps 20 or 30 miles above the mill-dam, and possibly they have not heard of it, and therefore the law would not impute to them any remissness in not proceeding against the millowner. Consequently they stand on a very different footing indeed, with regard to their existing remedy against the miller from D and E, who have visible damage and injury constantly affecting them, so that if they do not seek out their own redress they must take the consequences. All riparian owners situated in the upper part of the river have a cause of action against the miller for the obstruction of their fish; but it does not follow that their cause of action is extinguished after 20 years. I may mention that that is one of the points involved in an appeal that is now pending, and which will have to be decided, perhaps very shortly, by one of the superior courts.

143. Is there any objection to mention the case in which that question arises?—The Salmon Hall case involves very much that question, Lord Lonsdale's case in the Derwent. That question has never been clearly decided as yet; but I think it will require to be decided in that very case.

144. Do you know what position that case is in?—The case has just been settled, and it will be entered in the list in a few days.

145. There is no chance of the case being heard until after the long vacation, I suppose?—No; it is impossible for it to be heard until November next. If the Committee will kindly look again at the diagram, at the pink part, immediately under the mill-dam, you see there a part of the river marked pink; now that is a part of the river, the riparian owners of which suffer this grievance, namely, that the millers divert a large part of the water from their part of the river, and that again is a cause of action, because no man by any structure on his own land has any right to divert a portion of the river from any riparian owner below him; if he does so a cause of action arises; that is familiar law, and it has been decided a thousand times, I might say, in all the courts of law.

146. Mr. *Liddell.*] In the event of prejudice being proved, I suppose?—No, there is no need of prejudice being proved; on the simple fact of diverting the river, though it does not cause injury to the extent of 1 *d.*, he would obtain judgment, and ultimately the miller would have to take down his mill-dam, unless he bought up the right of that person; for example, with regard to that very question, whether injury must be shown, it has been settled by a recent case that no special damage need be proved; no man, whatever his other rights may be in the soil, can build a house in the bed of the river, because that would create legal damage to the riparian owners, and each riparian owner might bring an action against him for building this house in the bed of the river, and he would have to take down the house; a fresh cause of action arises every day; each of those persons might bring actions against him every day in the week until he was persecuted into taking down his house or mill-dam.

147. *Chairman.*] A question arises, perhaps, with respect to the extent of damage, but none arises with regard to the legal right of the person from whose land the water had been diverted?—Yes, the courts of law have decided that the person from whose lands that part of the river is diverted has a right of action, and though he cannot show any specific injury, he can insist on the cause being removed. If the Committee will look at that part of the river immediately under the pink, they will see the part which is below the junction of the mill-race and the river, and between that and the limit of the tides; that is another part of the river, the owners of which are affected by the mill-dam in this way; though the dam is not on their lands, and does not divert any part of the river from their lands, because the whole of the water that is in the river above the limit of floodage, is consolidated again before it reaches their land, so that they can have no possible grievance with regard to diverting or floodage. Their grievance against the miller would be this, that whereas, before the erection of the mill dam, the fish used to go over the mill dam and up into the breeding ground; to a great extent that is cut off, and therefore *pro tanto*, their right of catching the fish is diminished because the miller prevents the fish getting into a part of the river where they can breed; therefore they have a distinct cause of action against the miller, who prevents the fish from going up to breed, into the upper part of the river, thereby robbing water which, in its state of nature, was always stocked by a certain number of fish. With regard to the estuary, the public have the right of fishing at common law; any member of the public, no matter where he lives, can go to an estuary, and he can catch as many salmon as he likes, so far as the tides go. There are exceptions to that rule; for instance there are lords of the manor on parts of the estuary, who may possibly have rights of several fisheries in parts of the estuary; and if the lord of the manor can establish that he can prevent the public fishing in his part of the estuary; that is an exception to the general rule.

148. Will you kindly define (as these notes may be read by persons who do not understand it) what you mean by the term "a several fishery"?—A several fishery means the exclusive right of catching fish in a particular water; the right to exclude everybody, for instance, from that particular part of the river. Now, in an estuary, the common law is that the public in the United Kingdom have the right to fish there, and catch as many salmon as they can, and it is only subject to the exception that some great proprietor may establish that he has a several fishery; of course, *pro tanto*, there then is so much of the water cut away, for the public cannot go within the limit of his several fishery. The riparian owners have no exclusive rights at all in estuaries, these are open to the public.

149. But could the public fish above the tidal limits; as a rule, they cannot, I suppose?—There may be some little doubt about the rule, and even the Lord Chief Justice of England said the other day that he was not prepared to admit it at once, but it has been established by several cases.

150. That question has been raised very recently at Ullswater, has it not?—Yes, that question has been recently raised at Ullswater, which is a large lake some seven miles long; it is situated on a river; I am not sure whether the river running out of it is navigable or not; the lake itself is navigable; but the river that runs to the lake is not navigable; the question in that case was this: a member of the public goes and fishes in that lake, which is, say,

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say, seven miles long and a mile wide; a gentleman comes and says, "This is my several fishery, and I have the exclusive right over it;" the man says, "Oh, it is navigable water, and I have the right to fish wherever there is navigable water; this is merely an expanded bit of a navigable river; and I am entitled to fish, if I can navigate." That question was raised before the justices the other day, whether in point of law there could be such a right; and whether in fact every one could fish in any part of a navigable river which was not tidal. If the tide goes up to a certain point, the public have clearly the right to fish up to that point.

151. The same as in the sea?—Yes, but beyond the limit of the tide there may be six or seven miles of navigable water, and the public would have a perfect right to go up and down that part of the river; the point which has been raised is, whether the public have the right to fish in that part of a navigable river which is not tidal; in Ireland it has been decided that they have not such a right, but that the right belongs to the riparian owner on each side, and that he can exclude the public if he pleases; it is true there are many cases in England; and I suppose that there are such cases in Ireland or Scotland where the riparian owners either have not known their rights, or do not care about them, and allow the public to fish in that part of the river; another question again has arisen upon that, whether if the public have been allowed to fish there for 60 years or upwards, it does not take away that right from the owners.

152. Mr. *Evan Richards.*] Has that question been decided?—No, that may be said to be one of the moot points in England; in Ireland it has been decided by the Court of Common Pleas. I never thought that there was much doubt about it; but the other day, when that point was alluded to in the Court of Queen's Bench, the Lord Chief Justice said he was not prepared to admit the point without further argument.

153. Mr. *Liddell.*] Are the rights of riparian owners, and the rights of fishing in navigable portions of rivers, not being tidal rivers, confined strictly to the limits of their land?—Entirely so; they are exclusively on that person's side; if you have half a mile of land on one side, you have half a mile of the river up to the middle, and you can prevent your opposite neighbour coming on it.

154. But the riparian owners have no rights beyond those defined by the limit of their land?—Not at all; it is merely the frontage of your land; if you go an inch beyond your land up or down you commit a trespass on your neighbour.

155. Mr. *Whitwell.*] I should like to have your opinion on the question, whether if the tide flows up a mile further on one day than on another, the right of fishing extends on one day any further than on another day, say when the tide does not flow so far up?—No, you must take the medium between the spring and neap tides, that is the limit of the property as between the Crown and the riparian owner; that question has been substantially settled.

156. *Chairman.*] Will you be good enough to explain to the Committee the mode by which the line of high water mark has been ascertained, as it has been settled by the courts of law with regard to fisheries?—The limit of tides in point of law is ascertained, by striking the average between the two. Suppose any riparian owner on an estuary, or on the sea shore, wants to know how far his private property extends as against the Crown, the Courts of Law have decided that the line dividing the property of the Crown from the subject, is the medium line between the neap tides and spring tides; it is generally an easily ascertainable fact where that line is.

157. Will you kindly resume your statement with regard to this diagram?—I was dealing with the estuary, and I was stating that in the estuary the whole of the public who please may go and fish there freely for salmon; and it is only qualified by this, that if an individual can establish that he has got a several fishery in a part of that estuary, the public, of course, must not go within that limit; but if there is any part of the estuary which has not been appropriated in that way, they can fish freely, and therefore the effect of the mill-dam is very great on all the persons who fish in the estuary, because it almost cuts away entirely the breeding ground which the fish would naturally frequent in order to keep up the stock of fish in the river. Whereas a member of the public fishing before the mill-dam was made might catch 60 fish in a month, probably he will not catch one fish in a month after it is made; that is a very specific injury to the public franchise of fishery in the estuary, and that is the way in which the mill-dam operates on the public who have the right to catch salmon in the estuary and in the sea adjoining the estuary; therefore the mill-dam has a particular effect on the riparian owners immediately above in the shape of floodage, and also a particular effect on all the riparian owners above in stopping the fish from getting up to their water, and thereby, in fact, cutting off from them one of the most valuable parts of their land. Whereas a piece of land on the river might have let for 100*l.* or 1,000*l.* before the mill-dam was made, it might not let for 20 *l.* after it was made, simply because it nearly annihilates the right of fishing, and therefore *pro tantó* it injuriously affects all the lands situated above the mill-dam. Let me call the attention of the Committee to the situation of the head mill race. The Committee will observe on the right hand of the Diagram that there is a small branch leading down to the mill, that is called the Head Mill Race, or leat; by means of the mill dam the water is ponded up and diverted through a small channel called the Head Mill Race, across probably some fields or some lands to the situation where the mill is. The Committee will see on the Diagram the position of the mill wheel. The water, which is diverted by means of this mill dam, goes down the Race towards the mill, and it then drives the wheel, and, after driving the wheel, it falls down below the mill wheel, and then it is diverted again towards the original bed of the river. That you may call the Tail Mill Race. Then, if you look between those two places you will see the race of the waste sluice. I believe that in all mills near the mill wheel, near the Head Mill Race, there is a sluice at the letters R. S., and when the miller wants suddenly to lower the level of the water to stop his mill, he goes and lifts up the sluice, and thereby, of course, lets that water escape down that race into the bed of the river, which, at once lessens the quantity of water passing near his wheel, and he eases the mill in that way. Afterwards he goes up and shuts down also the sluice at P.Q., which is near the mill dam; there is generally a sluice close to the mill-dam in the situation

situation P. Q., and there is generally another sluice at R. S., called the waste sluice. In some rivers, however, there is no sluice at the mill-race at all; but the water flows freely and is ponded up freely, and reaches from the mill-pond all the way down the head mill-race towards the mill-wheel. Although in fact, in this diagram there is represented a sluice, in a great many small mills in the country which obstruct the fish, there is no sluice at all and the water circulates freely from the mill-pond down towards the mill, until it reaches close to the mill-wheel, and there is simply a waste sluice at the letters R. S. In that case the miller gets rid of any superfluous water in that way by letting it off into the bed of the river through that waste sluice. Then at the tail mill-race, which is below the mill-wheel, it carries off all the water which has been diverted to the mill, and returns it to the bed of the river. Now the state of things in nearly all salmon rivers, especially where the mill-dam is high, is this, that for about nine months of the year there is plenty of water running over the crest of the mill dam and in the original bed of the river, because the quantity of water used by the mill is not supposed to amount to the total quantity of the river, and therefore, surplus waters exist in a great majority of cases for about nine months in the year; there is a great deal of surplus water, and that surplus water flows over the mill-dam down the original bed of the river, until it of course gets to the part marked light green; but for about three months of the year there is no water coming over the top of the mill-dam at all. Now, in that state of things all the water passes down the mill-race towards the mill, and goes through the mill-wheel, that is to say, so far as it does not escape or is let out by the waste sluice. The water goes down and runs through the tail mill race back into the bed of the river. As I have already observed, about three months of the year you will often find the whole bed of the river perfectly dry between the mill dam and the part marked light green on the diagram, except that you may find a little pool of water here and there; but with regard to the running water, it is frequently entirely cut off for about three months in the year. Now, suppose the fish are coming up the river, and they arrive at the bottom of the pink part; if there is no water coming over the mill dam at that time of the year, and nothing running down over the original bed of the river, the only place where the water is coming is through the tail mill race, and therefore the fish would go up the tail mill race as far as they could, and when they come to the mill wheel, there of course their passage is blocked; when there is no water to take them up the bed of the river, their instinct naturally leads them up to the mill wheel, because they naturally suppose that there must be a road somewhere in that direction, but they find themselves stopped by the mill wheel. It is generally at that time that a great deal of poaching goes on. It is commonly alleged in country places that in particular states of a river, when there is very little water coming over the mill dam, and nearly the whole river is flowing down the mill race, the fish go up to the mill wheel, and it is a very simple affair for the miller or his men to take a dark lantern, and go there to catch the fish; they generally find a good many fish lying there, and they can catch them very easily. Then again, with regard to the head mill race, during the time of the year when the young fish are coming down towards the sea, suppose there is no water flowing over the mill dam, of course the only road open is through the head mill race, therefore they go down the head mill race, until they come down to the mill wheel, and then, unless they can escape in some way through the boxes of the wheel, their passage is entirely blocked. In that situation, it is very easy to catch baskets full of young salmon and to dispose of them as any person may be inclined. That, of course, is a great injury, because, if the young fish are prevented getting down towards the sea, as they want to do, they are either caught in that way by the bushel, or they perish in some other way, and the stock is thereby lessened. I think that embraces nearly everything that relates to the present situation of the mill-dam; but there is another case of what is called a navigation dam upon a river. I should, however, say one thing more with regard to the mill-dam. Suppose the fish going up, and wanting to get up to the spawning beds, they go up to the mill-dam, and they find it, perhaps, 10 feet high; of course it is utterly impassable to the fish, and the consequence is, that you find them leaping at that mill-dam for days, and I suppose weeks. You will see as many as 50 fish at one particular moment trying to get over this obstruction. I assume, of course, that they cannot get over the mill-dam, because it is so high that it is beyond their jumping powers, and the consequence is, that the fish must go elsewhere; they hang about that mill-dam for a long time, trying to get over it, and at last, I suppose, they turn back and rush up any little brook that runs into the river. If there is the slightest chance of getting a place to spawn in they make use of it. That, of course, is the way in which the spawn is utterly lost. If they cannot spawn above the river, and there is no place which is applicable immediately below the mill-dam, the stock of fish is very much injured, for a great number of the fish utterly perish.

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158. In fact, nature imperatively demands that the salmon must find some place to deposit its spawn?—Yes; it must find some place to deposit its spawn, and unless it finds a suitable place where the spawn can be brought to maturity, of course as far as that particular fish is concerned it may live a year or two years, but its time must come, and so the stock is diminished.

159. Is it within your own knowledge that not unfrequently in such cases one fish after another keeps spawning in the same place?—Yes, one roots up the others' beds.

160. I suppose you have heard that that is the case in the River Tees?—Yes; I have learnt that from all the people who seem to have local knowledge. I may now state very shortly to the Committee the effect with regard to a navigation weir. If you will look at that small part of the plan in the right hand corner, you see a place marked "Navigation weir." That navigation weir acts precisely in the same way as an ordinary mill-dam; it ponds up the water for a certain space, and it diverts the water immediately below it also for a certain distance; but as a general rule, in navigation rivers, some party or other having generally the authority of an Act of Parliament, makes a trench leading from the part of the river above the weir down to the part of the river below the weir, and as of course there is generally a great difference

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of level between those two parts of the river, there is usually a lock between the two. Of course the object of that is to enable vessels to go up and down through that branch of the river. The whole object of a navigation weir is to pond up the water, and create a sufficient quantity of water to facilitate the passage of vessels up and down through that artificial canal where the lock is, and that is easily carried out. But the precise effect of a navigation weir upon the fish in the river is the same as what I have already explained with regard to an ordinary mill-dam.

161. The practical effects are precisely similar, you think?—The practical effects are precisely similar.

162. As a rule, navigation weirs are constructed under the authority of some statute, are they not?—Yes, navigation weirs, as may be supposed, are generally constructed under some Act of Parliament, because the persons who want to improve the navigation generally spend money upon it, and they must have some means of paying off the expense, and the way they do it is by levying a tax or rate upon the persons who pass through those locks; but, as everybody knows, no person can levy a tax upon another without the authority of an Act of Parliament.

163. I suppose in those navigation weir Acts of Parliament, compensation is not usually provided for the owners of fisheries?—The invariable practice has been, ever since navigation Acts were passed, not to allude in any shape to the way in which owners of fisheries, above and below a navigation weir are affected by that weir. Everyone can see that the owner of a weir commits an actionable injury on all the owners of the fisheries above and below the navigation weir just as the owner of a mill dam commits an actionable injury, and is liable to an action at common law; but inasmuch as the Act of Parliament authorises the weir to be made, that is a complete defence against the action.

164. I need hardly ask you whether that is not a very gross injustice to the parties interested in salmon fisheries, above those weirs?—I should say that it almost amounts to a confiscation of the fisheries.

165. It is partial confiscation at all events, is it not?—Certainly, it is confiscation *pro tantô*.

Friday, 9th July 1869.

MEMBERS PRESENT:

Mr. Assheton.
Mr. Dodds.
Colonel Edwardes.
Mr. Hambro.
Mr. Henry Herbert.
Mr. Knatchbull-Hugessen.
Mr. Knight.
Mr. Liddell.
Mr. William Lowther.
Mr. Pease.
Earl Percy.
Mr. Evan Richards.
Mr. Whitwell.

JOSEPH DODDS, Esq., in the Chair.

Mr. James Paterson, re-called; and further Examined.

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166. *Chairman.*] Have you anything to add upon the subject of mill dams?—Yes, the explanations which I gave on that subject, last Tuesday, were very detailed, so that it might be difficult to gather at a glance the whole bearing of them, and, therefore, I have condensed into a few sentences what the drift of my observations came to on that subject.

167. Will you kindly give the Committee the benefit of that summary?—Yes, according to the law which has hitherto prevailed in this country (leaving out of account the effect of any Statutes bearing on the subject), the state of things as to setting up and maintaining mill dams in salmon rivers is this: each millowner has, without any legislative authority, and merely at his own caprice, erected his mill dam in a salmon river, to carry on his business for his own personal emolument, and any time during at least 20 years after setting it up, he must have held his dam on the precarious footing, that anyone of the fifty riparian owners might have gone, and would, in point of law, have been justified in going to knock down such portion of the dam as each might deem sufficient to enable the fish to pass up and down the river, as they did before the dam was built; and this power of abatement of a nuisance might have been exercised *toties quoties*, until the grievance was removed. But by buying up a few of the nearest neighbours, and taking advantage of the distance and ignorance of the rest, and of the extreme difficulty and delay in discovering and working out the remedy against him; the millowner, whether by his own dexterity, or by the ignorance and apathy of his neighbours, has contrived to hold his dam undisturbed more than 20 years. Taking the most favourable view of the situation for the millowner, and assuming that after that period he may have acquired a legal title to keep his dam in the same state, the result, nevertheless, is, that though he has never paid a farthing of compensation to the great majority of these neighbours, whose property he has thereby permanently depreciated, he goes on, day by day, continuing this depreciation, and carrying on his trade at his neighbours' expense, and they have no ready and inexpensive means of emancipating themselves from this burden. And as the public fisheries of the river cotemporaneously have suffered, and still suffer from precisely the same cause, the dead lock at which the parties involved (no matter how brought about) have arrived is such, that it is the duty of the Legislature to extricate the parties, and provide a short and easy remedy. The remedy is, to enact that all such mill dams shall have a fishway; such fishway can be erected at a trifling expense, and it can be proved to demonstration, and with unerring accuracy, according to the unalterable laws of running water that, in the vast majority of instances, the fishway will not interfere in the smallest degree with the supply of water to the mill, while in the one or two instances, where such interference may be absolutely necessary, it is so trifling that it can be adequately disposed of by a suitable compensation in money, which amount can also be calculated to a farthing. I may add, that the case of a mill dam, and the case of an assumed right to foul or poison a river (though the latter right is much less mischievous in its effect upon fisheries), are the only instances known to the law, or which can be named, where the person can set up a business and, by a little dexterity of management, succeed in literally carrying it on at the expense of his neighbours, without giving such neighbours a farthing of benefit in exchange, besides also damaging a public franchise with impunity, without any equivalent ever having been given to the public. That comprises all that I have to say upon the legal position in which the millowners stand with regard to mill dams.

There are similar observations which I wish to make on navigation dams before we quite pass away from that subject. I stated, on the last occasion, that navigation dams are different from mill dams in this way, that they were erected by legislative authority; but as several members of the House know the invariable practice of Parliament when any individual's property is taken, or injuriously affected, in order to construct some public undertaking, or to carry out some work of importance, is to give compensation to such individuals. In all cases whatever, where a public work is authorised by Parliament, and the property of an individual is necessary to be acquired in order to enable that work to be carried out, the

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the practice of Parliament is to give compensation. There was a recent case in the Court of Exchequer Chamber, which is entitled Brand *v.* The Hammersmith Railway Company, which was a claim for damages against the railway company for vibration caused by the passing of trains along the railway. It was a case in which a gentleman had a house near the railway; no part of his land was taken by the railway. An Act of Parliament was passed enabling the railway to be made, and it was found that, after the line began to work, great noise and shaking did ensue from the passage of trains, and caused a vibration in that house, and that vibration was estimated to depreciate the value of that property very much. Mr. Brand brought an action against the company to recover damages. The great difficulty was to know whether the vibration was to be a subject of compensation, or whether the individual was to put up with it as an inevitable consequence of all railways, and bear it as a martyr for the public good. And as that case of Brand *v.* The Hammersmith Railway Company is a case entirely identical in principle with the case of an owner of a fishery which is injured by a navigation weir. I will read you one or two sentences. Mr. Baron Bramwell, in that case, said this: "If it were the law and practice to do individuals a damage, for the benefit of the public, without compensation, no one in particular could complain when it happened to him, as every one would know he held his property subject to being deprived of it, or having it injured when it suited the public, still such a law and practice would be highly inconvenient and mischievous. It however is idle to discuss such a question, as the Legislature has acted on no such consideration, for if the public benefit is a good reason for damaging a man's property without compensation, so would it be for taking it without compensation. But the Legislature has made the most careful and minute provisions for the payment of compensation for everything taken, and indeed for everything injuriously affected. And it is absurd to suppose that if a house was damaged to the extent of 1 *l.* a year by its light and air being diminished, compensation should be given, and yet intended that it should not be where the damage was ten times as great, but caused by the noise and vibration of the train. I approach the consideration of this case, therefore, with the certainty that it was not meant that these plaintiffs should be without remedy, and with strong belief that one will be found for them." That is what Mr. Baron Bramwell said with regard to the case of the house that was damaged by the vibration, which was caused by the railway, and in the same case Mr. Justice Montague Smith made these observations: "One certainly would expect to find in conformity with the most ordinary principles of justice, and the usual practice of Parliament, that when the rights of one man are prejudicially affected by legislation for the benefit of others, provisions would be made for just and adequate compensation. It is often hard on individuals to have their property taken or interfered with against their will by a railway company; this private hardship must, however, be endured for the sake of undertakings which, though springing from private enterprise, are of general utility, but it would seem to be unnecessary, and therefore oppressive, not only to subject such persons to inconvenience and their property to depreciation, but to deprive them also of pecuniary compensation. Such persons would in that case obviously bear an unfair, because an unnecessary, burden, in comparison with others, for works of public benefit." Now applying remarks of somewhat the same kind to the case of owners of fisheries who may be damaged by navigation weirs, I will sum up what I have to say on that subject in one or two sentences. Navigation weirs built in salmon rivers, and which hinder the passage of salmon to the upper waters, cause an actionable injury to each of the riparian owners whose fisheries are situated in the river. There is a continuing injury done while the weir so exists, which, if not altered, will amount to a perpetual servitude over the lands of the riparian owners. In return for this perpetual servitude, which permanently depreciates their property, they have never received a farthing of compensation, and this is a result in violation of the established practice of Parliament. They have now, under the Statute which authorised the weir to be built, either a right to recover such compensation or they have not. If they have such right to compensation, the amount is probably greater than the Commissioners of navigation can now pay. If the riparian owners have now no right of compensation, or have lost such right, nevertheless, inasmuch as the public fisheries have also suffered to the same extent from the same cause, both the public and the private owners should be relieved from the common burden, for much valuable property must have long been and is now destroyed without any just or adequate cause. The present state of things has been brought about either by inadvertance, ignorance, or negligence on the part of the riparian owners, or remissness on the part of the Legislature, or more probably by a combination of these causes, and now owing to the want of a sufficient remedy the mutual rights of all parties are at a dead lock, from which it is the duty of the Legislature to extricate them. And this can be easily done without injustice by making it compulsory on the owners of all such weirs to make a fishway, the expense of each fishway being comparatively trifling, and there being an absolute certainty, capable of easy demonstration, that the erection of such fishway will not, and need not, in any respect whatever, interfere with the efficiency of such weir as a navigation weir.

168. In speaking of mill dams, when giving your evidence on the last occasion, you mentioned that it not unfrequently happened that dams were erected with the sanction of other riparian owners; do you remember the case of the Dinsdale Dam, on the Tees, and how the facts stood in that case?—Yes, I recollect the facts generally.

169. Was it not shown before you during the inquiry you held at Darlington, that an annual payment was made by the owner of the Dinsdale Dam to Sir Edward Blackett, in respect of damage done by floodage?—Yes, there was proof given of some payment of that kind.

170. An agreement between the former owners of the estate and Sir Edward Blackett was put in before you, I believe?—Yes, something of that description.

171. That is an instance of the kind of arrangement made with other owners who are immediately injured?—Yes, that is a specimen of

of the kind of arrangement which is generally made.

172. Will you be good enough to give the Committee a general description of a fishway?—Yes; as I have already stated, those weirs are impassable to the fish, that is to say, that they are too high for the fish to jump over them; the salmon has a particular ability for jumping, but it can only jump a certain height, and when a weir is above that height, of course the consequence is that the fish are entirely obstructed. The mode usually adopted in order to enable the salmon to pass over a high obstruction has often received the name of fish ladder, and sometimes it is called a fish-pass, or a fish-gap; but, in reality, so far as the law is concerned, it is utterly immaterial what is the name given to the thing, provided the fishway enables the fish to pass freely over the weir; it may be called a fish ladder, or a fish-pass, or a fish-gap. However, in ancient times it seems to have been a prevalent notion that the only way in which the fish could pass over a weir of great height was by means of a gap; and in the old Statutes, the Statutes of Scotland more particularly, you will find that there was a kind of agreed width supposed to be necessary to be left in all weirs which were capable of allowing the fish to pass, and that was generally a hole or gap about six feet wide.

173. That is the old fish-gap?—That is the old fish-gap, and the phrase generally used was, that it was to be wide enough to allow a well-fed sow to pass with three or four of its pigs through the hole, all going in abreast of each other. In an old Statute applicable to Cumberland, which you will find in the "Salmon Hall Judgment," at paragraph 57, there is a quotation from this old local Statute of Cumberland, which says, "It is ordained, moreover, and firmly enjoined, that in whatsoever pool or weir of the waters of Eden, Esk, and Derwent, and in the other waters where salmon can be taken, in the thread of the said waters, of ancient custom there ought to be a hole so large that a sow with her five little pigs can enter." That shows the kind of standard measure they had at that time.

174. That was the old notion of what a fish-gap should be?—Yes; and you will find in the same judgment another reference to an old litigation that took place with regard to a gap in that very river, the Derwent, where there seemed to have been anciently a gap of 28 feet. The Committee will find it in the 99th paragraph; that is merely illustrative of what was thought at that time to be a sufficient compliance with the law. Then, in Scotland, there was a similar rule which ultimately settled down into a definite width of six feet. You will find also some local Statutes referred to in that very judgment about the Hampshire rivers, that a hatch of about two feet square used to be opened up in a weir, and that was supposed at that period to be a sufficient allowance to enable the fish to pass through the weir. However, it has been found in modern times that a gap through a weir as a passage for the fish is seldom successful.

175. What is the cause of its not succeeding?—The cause generally is that the weirs in modern times are built so high that when a gap is opened in the middle of the weir the velocity of the water passing through is so great that no fish could pass; the velocity of water falling from a high level to a low level depends on the law of gravitation in a way which is perfectly well understood by engineers. They can tell you to almost a fraction of a second what velocity will be attained by water falling from a certain height. When it reaches the lower level, if it is so great that the fish cannot pass through it, of course you can easily imagine that the gap will be of no use, because the velocity the water acquires when it gets to that place is so great that you might as well discharge a cannon ball in the face of the fish; it is impossible that the fish can come through the water when it exceeds a certain velocity.

176. That perhaps is cause sufficient; but in addition to that is there also the great objection, that the gap occasions a very excessive waste of water?—Yes; speaking relatively to the supply that is generally necessary for modern mills, it would.

177. Modern knowledge and experience show that fishways or fish passes are better than gaps, do they not?—Fishways or fish passes are better than gaps; it has been successfully shown that a fish ladder made according to a certain scale and proportion is a much more effective passage for fish than any gap would be as a general rule.

178. And that it occasions very much less waste of water?—It occasions very much less waste of water.

179. So that in a small stream, where a great proportion of the water is required for the mill, less injury is caused by placing fishways than if fish-gaps were placed there?—Yes.

180. Then, by the construction of your fishways, there must necessarily be still considerable detention of the fish in their way up the river?—Yes; there is no doubt that, wherever a weir exists, which is impassable to the fish, and you make a fishway in that weir, there must always be a certain delay in the passage of the fish, just as we find delay caused when we pass through a turnpike gate. A similar delay will no doubt always exist in any weir which has a fish-pass.

181. In addition to that, as you have already mentioned, the facilities for capturing the fish illegally are very much increased?—Yes; the more the fish are impeded at weirs the more easily as a general rule can they be poached.

182. Is it your opinion that by making a very small inlet into a dam or weir, an efficient fishway may be constructed?—Yes; I think in all cases that exist in this country a fish ladder or a fish-pass having a small inlet will quite suffice for all purposes of a fishway.

183. Is it a fact that a considerable number of the fish ladders that have been constructed up to this time have been found totally useless?—Yes; I think you may say that nine-tenths of them are totally useless; there are a few exceptions, no doubt; there may be a few of the fish ladders which we see in the country which are of use during some parts of the year, and during certain states of the water.

184. To what principal cause do you attribute their failure up to the present time?—I think the principal cause of failure in most of what are called fish ladders is this: that the inlet to the ladder is not cut out of the body of the weir; it is simply like an ordinary ladder put against a wall; the supply to the fish ladder is entirely dependent on the thin film of water that happens to be passing over the weir at the moment; that, of course, for half the year is utterly insufficient

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to enable the fish to pass; that is one main reason.

185. It is only a thin trickling sheet of water that is passing over?—Yes.

186. In many cases too the gradient is not that perhaps which is best suited for the purpose?—Yes; it is probably far too steep.

187. The velocity of the water is consequently too great for the fish to surmount?—Yes, and the water is too small in volume.

188. That may be attributed to the want of knowledge of the laws of running water?—Yes; there has been an entire absence of considering that water is subject to certain fixed laws; that by the law of gravitation, water, treat it as you may, when it falls from a certain height to a certain level will attain a certain velocity.

189. That being carefully studied, no mistakes whatever should be made in constructing those fish-passes?—No, I think no mistake need be made at all; they should act with infallible certainty.

190. Proper scientific knowledge being applied to the question, no mistake of the kind could possibly be made?—Just so.

191. Mr. *Liddell.*] Has not this failure of fishways arisen in many cases from an anxious desire not to extract too much water from the milling power?—Yes; I have no doubt that has been the idea; I think I can tell the Committee exactly how that has happened if they desire me to do so.

192. *Chairman.*] Will you be good enough to do so?—When the Act of 1861 was passed, there was a power in the Home Office to compel a miller to allow a pass to be erected at somebody else's expense, provided such pass did not interfere with the supply of water to the mill.

193. It is section 23 of the Act of 1861 which says, "Any proprietor of a fishery, with the written consent of the Home Office, may attach to every dam existing at the time of the passing of this Act a fish-pass, of such form and dimensions as the Home Office may approve, so that no injury be done to the milling power, or to the supply of water, to or of any navigable river, canal, or other inland navigation by such fish-pass"?—Quite so; suppose the owner of a fishery wants to have a pass added to a particular dam, he goes to the Home Office, and shows a particular plan, and the Home Office, taking, no doubt, advice, is, of course, bound to consider whether this pass is likely to injure the miller; the miller will probably object; he will probably say that there is an inch or two cut out of the crest of the dam, and he will at once conclude that it will ruin his mill. The Home Office would not be able to see any answer to that, because it is a very popular delusion, that if you cut a little bit out of a dam, it will injure the supply of water to the mill; I think I can show you that that is an entire delusion; the consequence has been, that all these fish ladders are just applied to the top of the dam, and they merely trust for a supply of water to whatever thin sheet of water may be passing over the dam at the moment.

194. To the surplus, if any, that may be flowing over the top at the moment?—Yes, that is to say, without any part being cut out of the crest of the dam.

195. In constructing these fish-passes the two vital points are the velocity of the water, which is a question of engineering, and the power the salmon can exercise in order to pass through the opposing current?—Quite so; so long as you regulate the velocity of the water, so that it does not exceed at any point the ordinary swimming power of a salmon against it, that would be so far an efficient fishway.

196. As far as your experience goes, is it your opinion that the construction of a fishway with a moderate inlet, say, about two feet square, would be the best and most effectual mode?—Yes, it is my opinion, after much consideration, that no fishway would be of the slightest use, as a general rule, in these obstructive weirs, unless it cuts into the crest of the dam about two feet deep and two feet wide.

197. The sill of the inlet must be about two feet below the crest of the dam, you think?—Yes, I should say so, in all cases.

198. That upon the face of it would be deemed very objectionable by a miller who had a dam which only afforded in some seasons just sufficient water for his mill?—I have not the slightest doubt, if I were to say to a miller that there must be a hole of two feet deep in the crest of his dam, he would immediately reply that it would utterly ruin him, and that he might as well give up the mill.

199. He would tell you exactly the same if you touched a single stone in the dam?—Yes.

200. You think that the miller is more frightened than hurt, and that if he understood the laws of engineering and hydraulics he would not be so afraid?—Yes; that fear generally arises from the want of knowledge of the laws of running water. If the Committee will kindly refer to the diagram showing the effect on the supply of water to the mill-wheel, they will find a section of the mill-dam with the water flowing over it; you will find that the height of the mill-dam is marked B.

201. That is the crest of the dam?—The crest of the dam, and I take that as an example of what would happen. I will assume that water is flowing over the crest of the dam at the height of D, which may be taken to represent the average height of the winter floods; as I stated before, for about nine months in the year there is always a quantity of surplus water flowing over the crest of the dam down the original bed of the river.

202. There is much more milling power then than during the other three months?—Yes. I will assume that the quantity of water passing over the crest of the dam is represented by the letter D, which shows the highest elevation, and the space between B and D consists of surplus water that is flowing over the crest of the dam. Now, suppose that to-morrow a hole of two feet square is made in that dam while the water is running over to the height of D, the immediate consequence of that would be that the water at D would fall to the point E.

203. You mean during the nine months that you have referred to?—Yes, while the hole was open for the discharge of water, the water that would otherwise have been standing at the level of D would fall to E. Now every miller would say, the moment the water fell from D to E, that his mill was injured; and for this reason the motive power of the water supplied to his wheel depends always on the height of the ponded water, and therefore when the water at D is lowered to E, he loses, *pro tanto*, a certain amount of motive power.

204. You

204. You mean a certain amount of the water force that was previously above his mill-dam?—Yes, a certain amount of the water power that was previously above his mill-dam; and in order to compensate for that fall in the level every engineer can tell you to the thousandth part of an inch, that if you will run along the top of the weir a small piece of wood or iron of a certain depth, you will compensate the miller entirely for the loss of water passing through a hole two feet square. I will assume that some engineer has told you the exact height at which that bar of iron would stand upon the crest of the weir, and that that is represented by the letter C. The second operation is to put along the crest this bar, you having first made a hole two feet square in the dam.

205. In the diagram you assume that to be two inches, but that would depend upon circumstances, would it not?—Yes, this is merely nominal, but an engineer will calculate to the thousandth part of an inch how high that little bar must be between C and B, which would entirely compensate for the escape of water through a hole two feet square, and the consequence would be this: suppose now I have got a hole two feet square in the dam, and at the same moment I raise the crest of the dam from B to C, then the consequence of these two operations is this, that the water at D remains precisely at the same level as it was at first; it is utterly unaffected, there is not the slightest shade of variation; the consequence is, that when the miller tells you you cannot make a hole two feet square in the dam without ruining the mill, he is under a delusion opposed to the elementary principles of mechanics. The thing is done in this way: you place a small bar upon the crest of the dam, which must, by its operation, stop as much water as would, when condensed, flow through a hole two feet square, and if you do that, the height of the water at D will not suffer in the slightest degree. If that is so, in fact it is quite clear that a hole two feet square, coupled with a small bar thrown across the top of the dam, will not in the slightest degree interfere with the supply of water to the mill, because the level of the water is kept precisely the same as it was originally. The power of the mill depends on the height of the water entirely, and if the height of the water is the same, it is utterly impossible that the miller can suffer: take a hole two feet square, and suppose the dam is 200 feet long, take a solid of two feet square, cut it up into thin slices and spread it all along the top of that surface, and it would only occupy about one inch. An engineer will tell you that if you cut a square hole of two feet in any dam whatever, whether for navigation or for mills, and if at the same moment you put along the top of the dam a small bar rising about one inch, it entirely compensates for any effect that the hole produces on the level of the water. The consequence of that is, the water remains entirely unaffected, and stands precisely at the point D, where it began. I will give the Committee a few examples of the effect of the height of that little bar of iron, or wood, or whatever it may be. I will take two feet square as an arbitrary quantity for the hole, and that will probably suffice for the largest weirs in this country.

206. I understand you to take an opening of two feet square, because you consider that opening would be sufficient in the case of any dam?—I think an opening of two feet square would be sufficient in the case of any dam, because you know the average size of salmon, and you know pretty well that you must have a certain quantity of water always flowing through the fishway to enable it to pass up, and that the water must not have more than a certain velocity, and by arranging the gradients of the fishway, you can so manage that the water passing through it at all times shall have only a limited velocity sufficient to enable the fish to pass through it. When you have got those data, they enable you to estimate with accuracy the entire extent of the water that you really want.

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207. The increased height to compensate for that opening of two feet square would naturally depend on the length of the dam?—It would depend on the length of the dam.

208. You are going to give the Committee some illustrations of the height to which it would be necessary to raise certain dams?—Yes; I will take a dam 200 feet long; in fact, where a river is 200 feet wide, of course the dam would be 200 feet long. I have in my eye a river where the dam is 167 feet long, but the dam which I now take is 200 feet long, which is a very common case in this country. If you make a dam 200 feet long with a square hole of two feet in the crest of that dam, and if you put along the top of that dam a small bar of iron which is only 1·138 inch thick or high, that is, about one and one-seventh of an inch, the effect of those two things is that the water will always remain at D, precisely as it is represented on the diagram, and therefore the supply to the mill is totally unaffected in every respect whatever.

209. *Chairman.*] The addition of that bar will exactly preserve the *status in quo* above the dam?—Yes; it keeps the water precisely at the same level as it was before you made either of those two things. As I have already stated, a hole of two feet square is the maximum quantity which is required for weirs, and when a weir or a dam is smaller than 200 feet, as a general rule you will not require even so much as a hole two feet square; but I will assume next a hole two feet deep and 18 inches wide; suppose the dam is 160 feet long, then the bar that you place on the top of that dam is 1·07 inch, or just one inch, you may say; then in a dam of 140 feet long, with the same opening of two feet by 18 inches, the height of the little bar upon the top of the dam would require to be 1·16 inch. Then take a dam 100 feet long with precisely the same opening, two feet by 18 inches, the height of the bar would be 1·46 inch.

210. Not quite an inch and a-half?—Just so; then in a dam, 80 feet long, with a small opening 18 inches deep, by one foot wide, the height of the bar would be 0·97 inch, or nearly an inch. And if you take a dam 40 feet long, with the same opening as the last, namely, 18 inches deep by one foot wide, the height of the bar would be 1·5 inch, or an inch and a-half. These calculations I have obtained on the authority of an engineer of eminence, but I do not wish the Committee to take them as gospel merely on my assertion, though I invite all mill-owners and engineers to confute those quantities if they are able to do so.

211. Will you kindly mention the name of the engineer on whose authority you give those calculations?

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culations?—Professor Rankine; he is a professor of civil engineering in Glasgow.

212. Mr. *Whitwell.*] Will you now kindly state the formula by means of which those calculations are worked out?—You are to multiply the square of the breadth of the opening by the cube of the depth, and then you are to take the square of the length of the crest of the dam and divide the first quantity by the second, you then take cube the root of the last product; that is the formula adopted; of course an engineer will tell you why the formula is adopted.

213. *Chairman.*] You have described to the Committee the state of things that would happen when there is surplus water flowing over the crest of the dam?—Yes; that last calculation is merely a device for appropriating part of the surplus to the purposes of a fishway.

214. Is that applicable during the nine months of the year only, or is it applicable to the whole of the year?—I should say that would suffice for the fishway almost in every dam in England, because for about nine months of the year there is always a sufficient surplus flowing over the crest of the dam to enable the water to be disposed of in that particular way.

215. But I am now desirous to direct your attention to the other three months of the year, when there is a deficiency of water; do your observations apply to the three months when there is a deficiency as well as to the nine months when there is a surplus?—No; I assume that that would apply to nine months of the year.

216. Will you kindly follow that up by giving the Committee the effect that would be produced during the crucial three months of the year?—With regard to the bar that I have been speaking of, that is obtained at a very trifling expense, and it is very easily applied to any dam.

217. And it could be attached permanently to the dam with great ease?—Yes; it could be attached permanently and with great ease for a nominal expense. Now, on referring to the diagram, the Committee will observe that the letter C represents the height to which this little bar would extend over an imaginary dam.

218. That represents the increased height along the crest of the dam everywhere except at the opening?—Yes; to compensate for the opening, and so long as the level of the water is anywhere between D and C, this fishway cannot, in the nature of things, according to the laws of running water, have any effect whatever on the supply of water to the mill; until the water descends to the point C the fishway can have no possible bearing on the supply of water to the mill.

219. Will you kindly tell the Committee what effect it will have when the ordinary level of the water descends below that?—When it comes down to the point C, it is then, and then only, that the opening of the fishway will have any effect on the mill, but that can take place only, say, during three months of the year, and at the time when, perhaps, the greatest heat of the year exists.

220. That is about this time of the year, or a little later?—Yes; that is the time of the year when really a fishway is almost superfluous, because the fish do not care about running at all, unless in an occasional fresh; and suppose an occasional fresh occurs, of a week's duration, during the three months, and the ponded water to rise again above the letter C, it is very easy to apply a self-acting valve on the opening to the fishway, which, the moment the water rises to the height of the letter C, or above it, will of itself open and enable the fish to pass through, if there are any there.

221. You would have a contrivance which would make it physically impossible that the supply of water to the mill could be practically diminished?—Yes; every engineer can, I believe, easily make a self-acting valve which will of itself open the sluice, according as the level of the water rises or falls above or below the letter C. The effect of that would be, that whenever, accidentally or occasionally, a fresh arose in the river, the valve would of itself open the fishway at the time it was wanted, so as not to injure the mill at all.

222. And the very time when that opening would be closed, is the time when usually the fish are not running at all, is it not?—Exactly.

223. So that practically no ill consequences would result from closing the aperture at that time?—None whatever.

224. In addition to that, I take it that in almost every case, except where it is necessary to pond up the water over Sunday, this might be open on the Sunday at all events?—Certainly.

225. So that if the fish were running, you would give them at all events a weekly opening?—Yes; or some arrangement might be made by which during those three months an occasional opening of the fishway might be given at certain intervals. Then, if again the river is of such a size and the mill is of such a size, relatively, that the water would not be as high as the letter C during nine months of the year, that would be a case where perhaps it would be to a certain extent impossible to have an efficient fishway, unless it did to some degree interfere with the miller's supply; but an engineer could calculate to the thousandth part of an inch what the real difference in the water supply to the mill would be in consequence of any such interference. Therefore, in a case where compensation would suffice to reconcile the two interests, it could be resorted to without injustice to either side.

226. In the case, for instance, of a fishing milldam attached to a corn mill, it could be ascertained during what period of the week the miller was deprived of his milling power by reason of the opening?—Yes; and an engineer can tell you almost to a fraction how low the water will fall by a certain opening being made; that is to say, given all the quantities and the length of the dam, he will tell you to a fraction how low the water will fall so as to make the slightest difference to the mill.

227. The valve to which you have referred is to be a self-acting one, is it not?—Yes.

228. So that there would be no trouble imposed on the miller in connection with it?—None whatever.

229. Or, in fact, on anyone, except it happened to get out of order?—Just so; the water bailiff might be charged with the duty of looking at it occasionally, to see that it is in proper working order.

230. In every case, by raising the dam in the way you have indicated, an efficient fishway may be made without the slightest injury (except under the circumstance which you mentioned) to the milling power?—Yes.

231. And

231. And in any exceptional case the *quantum* of damage can be readily ascertained by any engineer, can it not?—It can be ascertained to a farthing; I may state that the same rule would apply exactly to navigation weirs.

232. Perhaps this brings us naturally to the next question; all this can only be done by incurring a certain amount of expense?—Yes; that certainly requires money, but a very trifling amount would be sufficient.

233. Whether large or small, where is the money to come from to effect this improvement; what do you suggest with regard to the money part of the matter?—Of course, I need not say that any alteration of this kind would require to be done in a very substantial and effective manner, because we know that a dam is a tolerably perfect piece of masonry generally?—Representing as it does on this diagram, an arch, and if you touch the key-stone of the arch (which it would almost be), you must necessarily restore it in a very effective manner so as to prevent mischief; is not that so?—That is a mere question of detail.

234. A question of detail and of expense; but I wish to ascertain from you how you think that expense should be met?—In the first place, the question is, who is to make that fishway.

235. Then I suppose a preliminary question arises, namely, is the dam a legal or an illegal one?—It comes round exactly to that; has the miller, according to the principles of law, acquired the right to have his dam in such a form as to injure all the riparian owners above and below him, without making a fishway.

236. Assuming that he has that right, then I take it that it would be incumbent on those who are interested in the fishery of the river to provide the funds?—Certainly, if the miller has acquired the legal right to make a dam without a fishway, he ought not to pay for the expense; I think the only persons who would then have to pay would be the Boards of Conservators.

237. In short, the persons interested in the fishery of the river?—Yes.

238. The pass would be required solely for their benefit, and would be over a dam, which, whatever it may have been in its inception, has become a legal right in its present possessor?—Yes.

239. Now take the converse of that?—I will assume that the miller has not acquired any such right; I need not say, that at the very lowest computation, a mill must exist for at least 20 years before the miller could ever acquire such a right in point of law; he could not possibly in less than 20 years have the right to keep the dam in such a form as to obstruct the fish passing up into the upper waters.

240. A dam erected within the last 20 years may be attacked by any riparian owner, on the grounds which you explained to the Committee on Tuesday last?—Certainly; it is the fault of the miller that the fishway has not been made; of course the miller ought then to pay for the fishway.

241. The miller is subject to the ordinary rule that every man in this country is subject to, namely, that he must so use his own property as not injuriously to affect his neighbour?—Yes, certainly; and that is the rule on which the whole thing would turn.

242. In such a case your opinion would be, that the owner of the dam should be compelled to make an efficient fishway, such as has been described?—Certainly.

243. You have mentioned the period of 20 years; of course there are a great many dams existing in various parts of the country that have existed for a longer period than 20 years?—Yes.

244. With regard to those dams, is it not necessary, in your opinion, that there should be some inquiry, for the purpose of ascertaining their legal status?—Yes, quite so; it does not follow by any rule of law, that because a dam has existed for 20 years, in that case a legal right has been acquired; that is merely the minimum, the most favourable supposition which you can possibly make in favour of the miller; therefore, there must be somebody to decide which of the parties is to pay the money.

245. I think you have found that the Act of 1865, under which, as you have informed the Committee, you hold the office of a Special Commissioner for the English Fisheries, is defective with regard to the powers conferred upon yourself and your colleagues?—Yes; there is a total absence of any power vested in anyone. There is no court or tribunal which has proper power to order such a thing to be done.

246. I need hardly ask you if you think it exceedingly desirable that such a power as that should be conferred?—I think it is not only desirable, but that it should be so as an act of justice to the parties who are interested. I do not see on what ground the Legislature could refuse to make this a compulsory thing with regard to all the weirs now existing in this country which obstruct the passage of the fish.

247. So far as one may form an opinion of the intention of the Legislature, from what appears in the Act of 1865, it would seem to have been their intention at the time to confer the needful powers on the Special Commissioners; is that your opinion?—I can scarcely say what the intention of the Legislature was. We can only gather that intention from the statute itself, and the statute gives a certain power to the Commissioners to inquire into the legality of fishing mill-dams; but as everybody knows, a fishing mill-dam occurs here and there in a river, but it does no greater mischief than any other mill dam with regard to obstructing the fish. On the contrary, I should say the most obstructive dams are the dams which are not fishing mill-dams.

248. Mr. *Liddell.*] Is not a fishing mill-dam constructed actually to invite the fish to fall into a trap?—No doubt part of the mill-dam is adapted for catching fish, and part of it is an ordinary mill-dam for ponding up the water.

249. And therefore if the fishing mill-dam were properly constructed for its own purposes, it would not obstruct any fish but what it caught, would it?—The principle of the catching part is of course the fishing box, and that is so constructed that the fish can go into the box, but cannot go up the river any further.

250. But every facility is given to the fish to go into the box?—Every facility is given to the fish to go into the box, but nothing more.

251. *Chairman.*] It is, in fact, exactly what the Act of 1861 defines it to be; a dam used partly for catching fish and partly for supplying water for milling and other purposes?—It is.

252. Then whether the miller proves his right to the dam or not, it is important that the fishway should be made, is it not?—Yes, certainly; because

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because that question of the legality of the dam is only material so far as showing who is to be at the expense of it.

253. Is it your opinion that it is absolutely necessary that fishways should be made over all wiers in salmon rivers, in order to make any progress?—Yes, certainly. I think that no progress will ever be made in restoring the fisheries of this country, unless something of that kind is done.

254. Does it not appear to you to be the very foundation of such a course that the legal status of the dam should be ascertained? — I think it is.

255. Will you be so kind as to define to the Committee a little more minutely what you mean by the expression "power to inquire into the legality of mill-dams"?—That is a very high-sounding expression; but it only means this, power to inquire whether a person is using his property so as to injure other persons, and the consequence of a conclusion one way or the other is, that if he is using his property in that injurious way, the only thing that can happen is, that he should be made to cease doing so; it does not mean that he is to be stripped of that property, and that it is to be given to anyone else; the only thing is that probably a little expense is thrown upon him to put the premises into such a state as not to cause a nuisance to others.

256. You mean so as to diminish to some extent the injury which he has himself created by erecting the dam?—Quite so; it has no other meaning than that.

257. In the last Report of the inspectors I observe that they call attention to the enormous number of weirs that exist throughout the country at the present time, and on page 74 this passage occurs, "There would probably be an objection to giving any mere fishery commission power to inquire into the legality of the mill property of the kingdom." Now what is contemplated is, conferring additional power on the Special Commissioners who may be appointed under the provisions of the Act of 1865. Can you conceive that there can be the slightest objection to increasing the power of the Commissioners with regard to weirs and dams, so as to make it co-extensive with that conferred upon them with regard to fixed engines?—I think that question depends entirely upon the capacity and competency of the proposed persons.

258. I should scarcely put it in that way myself, because I should assume that the Home Office would take care to appoint competent persons?—Whatever they decide must of course be according to legal principles, which are the same whether they are administered by a court of law or by the Commissioners.

259. In fact, an inquiry before the Commissioners is much less formal than an inquiry in a court of law would be?—Yes, and certainly very much less expensive.

260. The parties interested have the advantage of your going to the place itself, and making an inspection and holding a court in the immediate locality?—Yes, that saves a great deal of money.

261. Judging from experience, have you found, as I certainly have found, that it is a most inexpensive mode of inquiry into complicated questions?—I think that is properly said.

262. I think you mentioned at the former sitting of the Committee that there should be not merely an appeal, as at present, to one of the superior courts, but also an appeal from the superior courts to the ultimate court of appeal in this country?—I think so, because as a general rule these questions all involve probably one particular point, and the moment that point was decided it would govern all the cases.

263. I suppose if you inquired into one or two of the cases upon the Taw and Torridge, which are referred to in this last report, substantially the whole of the cases would be inquired into? — Quite so; but I do not wish to lead you to the conclusion that there are 400 cases on hand that would require to be inquired into, as is stated in that report of the inspectors, page 74.

264. You have visited various parts of the country in the discharge of your official duties?—Yes.

265. Do you think there would be any impossibility whatever in inquiring into all the cases that would need to be inquired into within a very limited period?—I think not; because the moment the power of inquiry is given the parties on both sides will know what must be the ultimate result, and the consequence will probably be, that by mutual agreement the whole thing would be done in a very short time indeed.

266. Of course if any vexed questions of law arose those would be settled by one decision which would necessarily apply to every similar case throughout the country?—I should say so; with regard to the number of cases on the Taw and Torridge, seeing such a statement as that in the report of the inspectors, I thought it necessary to make some inquiry with regard to the truth of that statement, because it is stated in a very specific and detailed way, "It would be manifestly impracticable for any commission to undertake more than a limited number of inquiries in a year, and there are so many weirs in the kingdom (on the Taw and Torridge alone there are 400), that it would be utterly impossible for any commission to accomplish their work within a reasonable period." Now I took the opportunity of making an inquiry into the point whether there were 400 dams upon the Taw and Torridge, and I caused a letter to be written to a gentleman who I believe is perfectly familiar with all the statistics of those two rivers; he lives in the locality, and I sent to him the following queries ——

267. Mr. *Knight.*] Do you mean Captain White, who knows more about the fishery on the Taw and Torridge than any other gentleman in that neighbourhood? — Yes, Captain White. The first query was this: "Whether it is true that there are 400 mill-dams on the Taw and Torridge alone, including their tributaries?" The answer to that is "Certainly not more than one-half, or 200, including the tributaries."

268. *Chairman.*] Do you concur in the opinion that the gentleman whose answers you are quoting knows more about the fisheries of the Taw and Torridge than any other gentleman in that neighbourhood?—Yes, I should say so decidedly. The second query was, "Will you state how many there are on the main rivers of the Taw and Torridge, without counting the tributaries?" The statement in the report is, "On the Taw and Torridge alone." The answer is, "On the Taw there are 15, and on the Torridge 12." The third query was: "How many of the whole number of dams on the main rivers, the Taw and

and Torridge, materially hinder the passage of the fish, and would require to be dealt with by the Commissioners if their powers were extended?" and the answer was, "On the Taw 6, on the Torridge 8." I might as well add that I sent to the same gentleman a fourth query, which was, "Out of the whole number of dams upon the tributaries, without counting the two main rivers, how many materially hinder the passage of the salmon, and how many of them are situated in small brooks which would not be frequented by the salmon, though occasionally the salmon may visit them in great floods," and the answer was, "There are 14 that should be dealt with; all the others are of no importance." Therefore the whole of the cases that would require to be dealt with by the Commissioners, supposing they had extended powers, would be on the Taw 6, on the Torridge 8, and on the tributaries 14, making a total of 28.

269. So far as you are able to form an opinion, might all the cases that would need to be inquired into be inquired into within a comparatively short period?—I should say within a very short period.

270. I suppose that in one day you could dispose of everything that would need inquiring into in my own district?—Yes.

271. Except, of course, the Dinsdale Dam, which you have already inquired into?—Yes; omitting that Dinsdale dam case, I should say that one day would be sufficient.

272. You are able, from your experience in different parts of the country, to say that a short period would dispose of every case?—Yes.

273. Does any other observation occur to you on that particular part of the case, I mean with regard to the extent of the inquiry?—The inquiry would be, no doubt, very similar to what has already gone on with regard to the fixed engines, except that the total number of cases would certainly not exceed those that have already been disposed of.

274. You have been appointed a Commissioner since 1865, have you not?—We were appointed in 1866.

275 And you have been occupied occasionally only; not continuously?—Certainly not continuously.

276. You are not expected to devote the whole of your time to those inquiries, I suppose?—I think not; I should be very sorry indeed to act on that principle.

277. Mr. *Knatchbull-Hugessen.*] Perhaps you will be good enough to state to the Committee what remuneration you receive for your services?—I receive 500*l.* a year.

278. And your colleagues, Captain Spratt and Major Scott?—They receive 350*l.* a year each.

279. *Chairman.*] You have stated that you consider one weak point in the Act of 1865 was the defective character of the powers given to the Commissioners with regard to fishing mill-dams?—Yes, I think so; I think that really represented the whole direction in which progress can me made in this country.

280. You think that the Legislature forgot that the chief mischief the dams do is in the obstruction of the fish, and not in catching them?—Yes, quite so.

281. Do you think that in the event of adequate powers being conferred on the Commissioners to inquire into the subject, they should also have the power conferred on them to direct illegal dams to be turned into legal dams?—Yes; that is the main object which should be kept in view; to turn illegal dams into legal dams, which would be done by ordering proper fishways to be made.

282. To direct under the special circumstances of the case what should be done?—Quite so.

283. And at whose expense it should be done?—Yes.

284. Of course, fishing mill-dams do neither more nor less harm than any other kind of dam that obstructs the passage of the fish?—No more harm, except so far as their powers of catching the fish are concerned; but in the case of most of the fishing mill-dams in this country, they have almost entirely ceased to catch fish, for the simple reason that there are no fish to be caught; they have exhausted the stock.

285. I think the law prior to the year 1861 knows nothing of fishing mill-dams as such?—Nothing whatever; that term was introduced for the first time in that Act of Parliament merely for the purpose of classifying a particular kind of dam.

286. And for the purpose of distinguishing dams that were used for both the purposes of fishing and milling from ordinary dams, for either the general purposes of the navigation, or for milling, or for fishing?—Yes.

287 I need hardly ask you whether you dissent from the view that a fish-gap should be made as a true remedy for dams and weirs?—I entirely dissent from that view, because the velocity of the water is, as a general rule, so great that the gap is utterly worthless.

288. And also because it would waste the water supply, I suppose?—Yes, as a general rule, it would destroy the mill attached to the dam.

289. In your opinion, a much more efficient and effectual mode of getting over the difficulty is that which you have so fully described to the Committee?—Yes.

290. You gave the number of cases decided by the Commissioners, and you mentioned to us that in two cases your judgments had been reversed; the cases of Garnett *versus* Backhouse, and Rolle *v.* White. Will you explain shortly to the Committee the nature of those cases. First, taking the case of Garnett *against* Backhouse; what was the particular point that arose in that case, and how was it determined?—Mr. Garnett's case was a case not of a fishing mill-dam in the ordinary sense of the term, that is to say, it had no fishing box as part of its structure, but it was a large dam erected on the River Ribble, which is a most important salmon river, and it was represented to the Commissioners that Mr. Garnett was in the habit of using a particular sluice in his dam for the purpose of enticing the fish up into a certain place near his dam, during low water, and thereby facilitating their capture. The conservators of the river were very anxious to know whether the Commissioners had any jurisdiction over such a case; and the Commissioners accordingly, after being put into possession of the leading facts connected with the case, and looking at the provision in the Act of Parliament, thought that there was sufficient ground for sustaining their jurisdiction. The case was represented as a very great grievance by the conservators of the River Ribble, and, if the Commissioners had jurisdiction, the conservators were very anxious that it should

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be brought to bear upon this particular dam at as early a period as possible; and as there was some difficulty under the Act of Parliament with respect to whether the jurisdiction of the Commissioners really extended to that or not, it occurred to the Commissioners that that would be a very good test case in order to ascertain the point. Everybody knows that in working out an obscure Act of Parliament, there are various moot points which can never be very clearly accepted by anybody until the courts of law have been brought into requisition, and we were perfectly aware that if we decided such a case, one way or the other, there would most likely be an appeal to a higher court, and that therefore the whole question with regard to the extent of the jurisdiction conferred upon the Commissioners, under the Act of Parliament, would be conclusively settled once for all. Accordingly the Commissioners thought that the case of Garnett *against* Backhouse was a favourable case for testing the question whether their jurisdiction extended to that or not. They therefore held the usual inquiry, and after looking at the peculiar language of the Act of Parliament, and considering the nature of the prior Acts of Parliament referring to the Ribble, among other rivers (for it was one of the 17 rivers mentioned in that statute of George the First), they came to the conclusion that they had jurisdiction to try such a case, and they made a certain decision. As was expected, the Messrs. Garnett appealed to one of the superior courts, and the result of the argument was, that the court held that we had no jurisdiction. That conclusively settled the whole question, so far as the Commissioners were concerned, and showed to what extent the jurisdiction had been conferred upon them. Of course we knew then what for certain the limit of our jurisdiction was in that direction, and no other cases of that kind have since been tried by us.

291. With regard to all similar cases, the case of Garnett *versus* Backhouse has decided that the Commissioners have no jurisdiction under the Act of 1865, to inquire into such matters as were brought before the notice of the Court in that case?—Just so; the drift of the decision was this, that no dam coming within the description of a fishing mill-dam was subject to the jurisdiction of the Commissioners, unless it had, as part of its structure, a fishing box attached to it. That dam had not a fishing box attached to it; the dam had been used to facilitate the catching of fish, but there was no fishing box directly used for catching the fish, and the Court decided that that made all the difference, and that it was not a fishing mill-dam within the meaning of the Act of Parliament.

292. I think I understand you to say distinctly, that there was no fishing box attached to it as part of the structure?—Just so.

293. It merely facilitated the catching of fish by obstructing them?—Yes, it facilitated the catching of the fish by enabling the person to use the dam to coax the fish up into the shallow part of the river.

294. And then shut off the water and catch the fish?—Yes.

295. This is generally known as the Clitheroe case, is it not?—Yes.

296. So far as that case goes, that shows the defective character of the power apparently intended to be conferred upon the Commissioners by the Act of 1865?—I think so.

297. And you regard it as important, so far as the Ribble is concerned, that the legality of that weir should be determined in some way or other?—Undoubtedly; it is generally called the key of the Ribble.

298. Mr. *Liddell.*] Will you be kind enough to point out to the Committee the precise clause in the Act of Parliament on which that decision of the Superior Court was given?—If you look at the 42nd section of the Act of 1865, you will find the words "subject to such appeal as is hereinafter mentioned, the Commissioners may inquire into the legality of all fishing weirs and fishing mill-dams." That, I think, is enough for that part of the question. Then if you turn back to the Act of 1861, you will find what a fishing mill-dam means. The question before the Court was, whether this particular case came within the definition of that word in the Act of 1861.

299. That is to say whether or not it was a dam used partly for the purpose of catching fish, and for facilitating the catching of fish?—Yes; the whole question turned on the definition of the word "fishing mill-dam," as given in the Act of 1861.

300. Mr. Garnett is the owner of that dam, is he not?—I think he is the owner of it; at all events he was the occupier of it. The court said the Act really meant that the dam must have been made for the purpose of catching or facilitating the catching of fish "by means of a fishing box"; that is the way in which the court construed it.

301. By means of a fishing apparatus of some kind beyond a mere fixed obstruction?—Yes. It was a very short point, and the case was disposed of in about 20 minutes.

302. Mr. *Knatchbull-Hugessen.*] Was that case argued on the part of the Commissioners?—Yes; it was argued on the part of the Commissioners by Mr. Justice Hannan, who was at that time at the bar. But I may mention that the court had not any of the previous statutes before it, and apparently had not the slightest idea that any previous statute existed on the subject.

303. *Chairman.*] Do you think that was a case where an appeal would have been serviceable?—No, I would not have advised an appeal in a case like that, and I should have accepted that as a conclusive settlement of that particular matter. But the next case of Rolle *versus* Whyte was certainly a proper case to take to a higher court. I may say that Garnett's case was the first case that any court had had under the Fishery Statutes, and the subject you may say was not gone into with regard to previous statutes. The judges after hearing one side, the side in favour of the Commissioners' judgment, said that they did not think it necessary to hear the other side; they decided the case at once.

304. They decided it in the short space of 20 minutes?—Yes.

305. Mr. Justice Hannan had not gone very fully into the subject, perhaps?—I do not wish to draw any inference, but we have acted according to the decision of the court ever since, as fixing the point that our jurisdiction applied only to fishing mill-dams which have a box in them.

306. Now with regard to the case of Rolle *versus* Whyte, that case was decided by the Court

Court of Queen's Bench, was it not?—Yes; that was a case which involved the important question whether the Prescription Act applied to the case of a weir in the non-navigable part of a river. That was a case in which the Honourable Mark Rolle had a weir on the River Taw in Devonshire.

307. That is one of the rivers we have already alluded to?—Yes; that was a very ancient weir, and Mr. Rolle had, within the last 60 years, very much enlarged the weir, and added, in fact you may say, a wing to it. It was clearly proved that within the last 60 or 65 years he had doubled its catching power. The first question for the Commissioners, was whether the weir itself was legal, or whether any part of it was legal or not. The Commissioners held that it was legal, so far as the original part of it was concerned; but they held that the Prescription Act would not legalise the additional wing that had been added to it within the last 65 years. The whole question turned on whether he Prescription Act applies to the case of at weir set up in the non-navigable parts of a river. The case was argued, and the Court took time to consider its decision, and when they gave judgment they held that the Prescription Act did apply, the result of which was that the Court considered the second wing just as legal as the other part of the weir; therefore the Commissioners' judgment was upset, so far as regarded the wing. The result of the Commissioners' judgment would have been that the wing should be cut off, and that the original part of the weir should be left to stand, but the Court ruled that the wing must be held to be part of the weir by virtue of the Prescription Act. It was an entirely new question, and the Lord Chief Justice said that it was one of the most difficult questions in his recollection that he had ever had to deal with; and there being no power of appeal, the consequence is that the Commissioners have been obliged to follow the decision given in that case, although there are many reasons which may be given to show that such a rule is really inapplicable. It is a very nice question, and just the kind of question that ought to have been carried to a Superior Court.

308. The Act of 1865 provides no appeal from the decision of the Superior Court, does it?—None.

309. It merely provides an appeal from the decision of the Commissioners to one of the Superior Courts?—Yes, and whichever Court of Appeal is selected, its decision is conclusive.

310. Suppose you had an exactly similar case, and your judgment is appealed from to one of the other Courts, and a contrary decision is given by that other Court, there is no mode of settling the conflict that would thus arise, is there?—No; we should be in this difficulty, that we should have the option of following whichever of the conflicting views we pleased, and whichever party we decided against could easily upset our judgment by going to the other Court.

311. I need hardly ask you if that is a state of things for which a remedy ought to be provided?—I think so.

312. Now, proceeding to the subject of the Boards of Conservators. At present, as you are aware, the Boards of Conservators are appointed by the Court of Quarter Sessions, or by a joint committee of the justices of the two counties, where the river happens to form a boundary between the two counties?—Yes.

313. Is it your opinion, that that mode of electing Boards of Conservators can be improved upon?—I think it is very desirable, in constituting Boards of Conservators, that there should be a pretty equal division of the influence of those who are interested in the upper part of the river, and of those who are interested in the lower part of the river, because, to a certain extent, the respective owners of those two parts of the river are always more or less in a state of antagonism; each party generally suspects that the other is getting too large a share of the fish; the upper proprietors think that restriction should be put on those who catch fish in the estuary, and those in the estuary think that restrictions should be put on the upper proprietors, so as to prevent them catching the breeding fish, as they call it, and deteriorating the stock. At present the constitution of Boards of Conservators is very much regulated by accidents. I believe they are very numerous. I believe nearly the whole bench of justices constitutes the board.

314. By the Act of Parliament, every justice who has a certain amount of property abutting on a salmon river, is *ex officio* a member of the board, is he not?—Yes, he is *ex officio* a member of the board.

315. That is if he has property to the value of 100*l.* a year, on any salmon river, he is an *ex officio* member of the board, under the 14th section of the Act of Parliament?—Yes.

316. What is the remedy that you would suggest for that state of things?—I think the proper thing would be to have a very small board, perhaps, consisting of nine members, who should be elected by the persons directly interested in the river, that is to say, the owners of the fisheries and the persons who pay license duties on the river.

317. You mean a certain number being elected by riparian owners, and a certain number of those who pay license duties?—A certain number by riparian owners and those who pay license duties.

318. And a certain number of those who have fisheries in the estuaries?—As a general rule, I think that the two interests should be kept pretty well poised, say, four members to represent the upper proprietors, and four members to represent the lower proprietors, and, perhaps, the odd member may represent some very large proprietor.

319. Take the case of the Wye, where the Duke of Beaufort is a large owner of several fisheries, extending for many miles in the tidal portion of the Wye; would you in such a case as that make his Grace, and others similarly circumstanced, the electors, or the persons who pay license duty, and who are the tenants of the owner of the several fishery?—Not the owners only, but the occupiers of the fishery ought certainly to have a voice in the election.

320. But if he were an occupier merely from year to year, it would be his interest to sweep out every fish, and thus kill the goose that lays the golden eggs, because he might not perhaps have his take a second year?—Yes, but his interest would be opposed by those above him on the river. Their interests would not conflict if they both took a sensible view of the matter, but we know they generally take a selfish view.

321. Does it not occur to you that you would

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get a sounder view from a person who has a permanent interest, namely the owner of the fishery. I will assume a case like the Wye or the Tyne, where his Grace the Duke of Northumberland claims a several fishery. You would scarcely give that power to the man who claims by payment of license duty only, would you?—I do not mean to exclude the owner of the fishery.

322. In my question I referred to a particular case, where license duties are paid by persons who fish in tidal waters, the fishing in such water being a several fishery in the hands of private individuals?—Undoubtedly the owner of a several fishery in tidal waters is at present entitled, *ex officio*, to be a member, and I think he ought always to be a member of such a board.

323. Does the law in Scotland at present regulate the appointment of Conservators in some such way as you have mentioned?—In Scotland they divide the rivers into the upper and lower part, and all the upper riparian owners are called by that name, the upper proprietors. Then those who have fisheries in the estuary are divided into a separate portion of the board, and called the lower proprietors.

324. Then do they exercise separate functions, or do they together constitute one board?—Together they constitute one board.

325. The elected of the upper proprietors and the representatives of the lower proprietors?—Yes, the elected representatives.

326. And is the same practice followed in Ireland?—It is something very similar to that I think.

327. There is a representation of the interests in tidal waters as there is of the upper proprietors?—Yes.

328. Then with regard to the power to enact bye-laws, do you think it desirable that there should be power to enact bye-laws for the regulation of the various salmon fishery districts throughout the kingdom?—I think there should be some power to make bye-laws, provided the code of fishery laws was complete; but I should not advocate anything of that kind unless coupled with some extension of the power to deal with the passage of the fish over all weirs.

329. I am assuming, of course, that the law is improved and rendered such as it is desirable it should be, in order to develop the salmon fisheries of the kingdom; in that state of things, I understand you to say you think it desirable that there should be power to make bye-laws?—Yes, I think it is desirable that somebody should have the power to make bye-laws to suit the particular circumstances of each river.

330. The objection to that power is, I suppose, that it is to a certain extent supplemental legislation on the subject?—Yes, it would, no doubt, produce some variance in the laws prevailing in different districts, but that might be limited.

331. Then would you confer upon somebody the absolute power to make bye-laws, or would you make the power subject to the control of some central authority, the Home Office, for instance?—I think there ought to be some check on the power of the Conservators to make bye-laws, more especially if the Boards of Conservators are to remain in their present condition, namely, so far as regards appointment. At present the numbers of the Boards of Conservators are so great, and possibly the interests of the upper riparian owners may so predominate that if they had the power, especially without any check, they might make bye-laws which would operate harshly upon those who fish in the estuary.

332. Do you think that in such cases there should be some tribunal having the power to consider the bye-laws framed by the Board, and to accept, or reject, or modify them?—I think so; it is found in Ireland to be a useful power, and one which works well.

333. Where is that power lodged in Ireland?—The power of making bye-laws in Ireland was confined to the Commissioners; the Boards of Conservators had no power to make bye-laws, but the Commissioners had power, after making due inquiry, and hearing evidence *pro* and *con*, to make bye-laws; but it was subject to this restriction, that any person who considered himself aggrieved by any bye-law had the right of appeal to the Privy Council in Ireland.

334. The Lord Lieutenant discharging somewhat analogous functions in Ireland to those of the Home Secretary in England, with regard to salmon fisheries?—They are rather larger powers; it is, in fact, an appeal to the Privy Council, who may hear counsel, as they do in England.

335. Would it not answer every purpose if the power to make bye-laws was conferred on Boards of Conservators, subject to an appeal to the Home Secretary?—That would depend so much upon the further supposition whether the Home Office in that case would go into the subject matter of the bye-laws, because when bye-laws are sent up by Local Boards to the Home Office, I am not aware that the Home Office goes very deeply into the subject, or hears parties on both sides; they simply read over the bye-laws, I suppose, so as to see that there is nothing very preposterous included in them, and if they find any extravagant attempt at legislation in them they cancel it; but I am not aware that they ever hear counsel, or go very fully into the merits of the proposed bye-laws.

336. You know of course that it has been suggested that the jurisdiction with regard to salmon fisheries should be transferred from the Home Office to the Board of Trade; do you not think, whichever department of the Government has the supervision over salmon fisheries, it would be expedient that they should have the power to settle those bye-laws?—I think there should be some controlling power somewhere.

337. Can you suggest anything better than the Home Office or the Board of Trade, whichever for the time being may be charged with this particular duty?—I should say that the one or the other of those departments ought to have such power.

338. You have now Boards of Conservators elected by magistrates, so that it would scarcely do perhaps to give a power of appeal from the Boards of Conservators to the Courts of Quarter Sessions throughout the country?—No, I do not think that the Courts of Quarter Sessions would work well as an Appellate Court.

339. I suppose you know that the Tyne Salmon Conservancy Board introduced a private Bill into Parliament during the present Session?—Yes.

340. I see they proposed that bye-laws made by the Board of Conservators should not have effect until approved by one of Her Majesty's principal secretaries of state; would that meet your views?—Yes; that is providing a check upon the power of making bye-laws.

341. And that only after some notice was given in newspapers circulating in the district?—Yes.

342. In Ireland you say the bye-laws are made by the Commissioners?—Yes; in Ireland the Commissioners make the bye-laws.

343. And unless they are appealed against they come into operation without any express sanction from the Lord Lieutenant, do they?—No; in any event they require to be sanctioned by the Lord Lieutenant, but if there is no person who shows cause or complains, it is a mere form; if there is no appeal the bye-laws take effect in a certain time.

344. Do you think that a similar system could be adopted in this country?—Undoubtedly.

345. Which of the two plans do you recommend?—I should say that was the better plan, because the Commissioners invariably made an elaborate inquiry into all the circumstances that made bye-laws necessary. They heard all the parties interested *pro* and *con*, and gave their reasons, and then if any party was agrieved by that decision, he had the power of appeal to the Privy Council in Ireland, and I should say that that secured perfect justice to all parties.

346. The central authority would be passive and not active until its authority was invoked by persons who were dissatisfied, would it not?—Yes.

347. Notice would be given by advertisement in the particular district, and then the persons agrieved would have an opportunity of urging their objections?—Quite so.

348. A similar course of procedure might also be adopted in this country, you think?—Certainly it might.

349. I need hardly ask you whether it would require great care in framing those bye-laws, so as to avoid litigation?—Yes; otherwise it would give rise to great difficulty.

350. Of course, the bye-laws must be kept in strict accordance with the law?—Certainly.

351. What do you think are the most important points that require to be provided for by the bye-laws; first, with regard to close time, do you think that power should be given to alter the close time in certain districts by means of bye-laws?—I think that power should be given, but I should doubt very much whether it would ever be necessary, or at all events prudent, to exercise such a power as that; I think that under the present Act of Parliament the close time operates in all respects to the advantage of the fisheries, and that no change requires to be made; still, in a perfect code of bye-laws, no doubt that power to make a change should be vested in somebody; if it turns out in the course of experience that, for instance, the close time of a particular river is a week too early, or a week too late, the power should be lodged in some body, or in some official, to make that alteration.

352. Are you a believer in the doctrine, that a uniform close time should prevail in the whole of England and Wales?—I think that considering an inquiry was made by the Commissioners in the year 1860, and that they heard the story of almost all the rivers in England, and struck an average, after considerable deliberation, that conclusion should be adhered to until very strong reasons are shown to the contrary.

353. In the event of such reasons being shown to the satisfaction of the Board of Conservators, and afterwards to the central authority, whatever that might be, would it not be desirable that they should have the power to give effect to their views?—Yes; but at the same time I think it is a power that should be very carefully watched over.

354. I observe that in the Tyne Bill, as well as in a Bill introduced by the honourable gentleman near me, it is suggested that there should be power to determine the description, size, and length of the nets to be used in fishing; is it desirable, in your opinion, that such a power as that should be conferred by any Act of Parliament?—If there is a perfect code, no doubt it would be desirable to have such a power conferred by an Act of Parliament, but I do not see any particular pressure for any such change; I do not think that circumstances have arisen to require any great interference on that ground.

355. Are you familiar with the circumstances of the Estuary of the Tyne?—Yes; I have been on the Tyne frequently.

356. I mean the mode of fishing that is pursued there now?—I understand that it is by means of drift nets.

357. Do you know that some of these drift nets are more than a mile in length?—I understand that the practice is growing there to make very long nets and tack them together.

358. The nets have a very large mesh, have they not?—Yes.

359. In fact, it was proposed by the Tyne Salmon Conservancy Board that they should have a maximum as well as a minimum size of mesh?—Yes; if any alteration is to be made, I should say that there ought to be a maximum and a minimum.

360. Do you think it desirable that such a power as that should be conferred on Boards of Conservators?—Yes, I think so, because the time may come when there may be such a number of those nets of such a size, and such catching power, that they may perhaps kill too many of the fish, and prevent the stock being kept up.

361. Are you acquainted, from your own knowledge, with the character of the hang net, and the mode in which it is used?—I do not remember a net under that name. A drift net is a net in which the fish are caught by the gills.

362. Mr. *Liddell.*] Do you know that that net catches every description of fish, whether clean or unclean, in its passage?—Yes, provided its gills fit the net.

363. Do you think that that species of net, catching clean and unclean fish in the passage of the fish up or down the river, ought to be allowed?—Such a way of catching fish could only be allowed in the open season; it would be illegal to use any kind of net for the purpose of catching salmon, except in the open season.

364. But, as a Fishery Commissioner, do you think that no prohibition or restriction should be placed upon a net which, even during the open season, catches fish clean or unclean?—I do not see how you could use a net which would select only the clean fish, and reject the unclean.

365. *Chairman.*] I understand that, by this fish net, fish are very much injured, or killed, and cannot be restored to the river. Do you not think it would be right to forbid the catching of unclean fish in such a manner that they cannot be restored to the river?—If that was a prevail-

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ing practice, likely to operate to the injury of the river, that would be a very proper subject of restriction.

366. Do you not think that power should be given to Boards of Conservators to make regulations with regard to those particular nets, subject always to the approval of the central authority?—Yes; I should say that that would be a very proper power.

367. Then, with regard to the manner of using the nets, your evidence would apply to the manner of using the nets, as well to the kind of nets to be used?—Yes, it would.

368. Have you at all considered whether it would be desirable to attach labels to licensed nets, and to number the fishing boats?—Yes, I should say that ought to be made necessary by a bye-law, if not under the Statute itself.

369. In the same way that pilot boats and fishing boats are now marked on the bow?—Yes.

370. You think that power should also be conferred on Boards of Conservators for regulating the places where the nets may be used at all within the district?—Yes.

371. Or restraining the use of them in inland waters, or waters above the limits of the tidal flow?—I think that is a very necessary and proper power to be vested in some body.

372. Then with regard to the power conferred on water bailiffs, which is given in section 30 of the Act of 1865, do you think it desirable that the powers of water bailiffs, in the execution of their duties, to traverse the banks of the rivers, should be extended?—Yes, they should have the power to traverse the banks of all rivers frequented by salmon, as well as the lakes and tributaries where salmon are likely to be.

373. I daresay you have found in your experience, as I have found in my district, it not unfrequently happens that large landowners get their gamekeepers appointed?—Yes, that might be arranged with the Board, and if the Board of Conservators assigned to that particular bailiff a particular district, he would of course keep within the limits of his own property.

374. I believe that a somewhat similar power does exist in Ireland and Scotland?—In Ireland there is such a power, and it has been found very useful. I never heard any complaints against it, but in Scotland I do not think that the power is quite so extensive. The bailiff in Scotland may enter upon land near the river for the purpose of preventing any breach of the provisions of the Act of Parliament, but he is subject to being ordered to quit the land, and if he does not quit on request he is liable to a penalty; and unless he can prove that he had real reason to apprehend that some breach of the fishery laws was about to be committed, he would have, after that, no justification for remaining there.

375. With regard to the suggested appointment of the police and coastguard men, have you formed any opinion with regard to the desirability of their being employed in public waters. I mean on seashores, where the public have the right of fishery, and in estuaries where, save in exceptional cases, the public also have the right of fishery?—I see no objection to the employment of the police and coastguard in waters where there is a public right of fishery. I think it ought to be included within their ordinary duties.

376. I assume that you are confining yourself to cases where there is no several fishery, but merely public waters?—Yes, I think that ought to be part of their ordinary duties.

377. Then with regard to the power of fishing within any given distance of a mill-dam, at present I believe the law is that no one can fish within 50 yards of a dam unless a proper fishway, sanctioned by the Home Office, is attached to it; do you think it desirable to prohibit fishing within a given distance of a mill-dam under all circumstances?—Yes, I think it is desirable.

378. Would you except fishing with a rod and line?—Yes, I would except fishing with rod and line provided proper fishways are made, but not before, certainly.

379. Proper fishways being attached to the dam you would permit fishing with rod and line up to the dam, but you would prohibit all other kinds of fishing?—Yes.

380. Have you within your own mind settled what you consider to be a reasonable distance; do you think that the 50 yards allowed by the existing law should be extended?—I think it should be 100 yards, because 50 yards would scarcely cover the difficulties.

381. A man who is netting near the dam does not measure the distance very exactly, I presume?—No, but so long as the statute prescribes distance that can be ascertained.

382. You think it should be 100 yards at least in every case?—Yes, 100 yards is decidedly better than 50 yards in every case.

383. Do you think it desirable that in a very wide river, say the Severn for example, five or six miles below Gloucester, a greater distance than 100 yards should be required, or would 100 yards be sufficient in every case?—I think 100 yards would be sufficient almost in every case.

384. Whatever the width of the river?—Whatever the width of the river: I think so.

385. Now with regard to gratings; the present provision with regard to gratings merely has reference to artificial channels for supplying waterworks and navigations?—Yes.

386. Do you think it is desirable that gratings should be placed across both the head and tail race of all artificial communications?—Yes; I think it is not only desirable but I think it is imperative, and it ought not to be prejudicial to the miller in the least degree, because you have only to widen the head and the tail race to a sufficient extent to cover the diminution in the supply occasioned by the bars of the grating.

387. To compensate for the restriction which that grating necessarily occasions to some extent, whatever its character may be?—Yes; that can be done without any difficulty.

388. In all cases you would place a grating at the bottom of the tail race when it joins the main river again?—Yes.

389. And at the head of the upper race, where it leaves the main stream?—Yes, certainly.

390. Unless there is a grating placed across the head race, do not the young fish coming down the river very frequently get into the mill race?—Yes, very frequently; I believe almost invariably.

391. Especially where the bulk of the water is flowing through the mill race?—Yes.

392. I suppose the consequence of that is that

hat the fish are not unfrequently destroyed in he mill wheel?—Very frequently; no doubt me of the fish escape by getting into the ckets of the wheel.

393. Are the fish not poached to a very conderable extent in the head race?—I have ard people in the country complain very much that.

394. In fact, is it not the case that great cilities are afforded for poaching the fish there?—Great facilities are afforded for poaching the sh there.

395. Then with regard to the gratings across e tail race, is it not the fact that when the bulk the water is passing through the mill race at resent, the fish facing the current naturally vim up the tail race?—Yes; whenever there is predominating current coming down the tail ill race, I should say the fish are always tracted up that way, and they go up as far they can close to the wheel, and there they ang about in that place, where I need hardly say ey can be easily captured.

396. You have mentioned in your evidence hat the miller and his men often help themselves the fish; but supposing that the miller nd his men are perfectly honest, does not the xistence of a place like that afford great facilies to poachers at night time?—Yes.

397. When neither the miller nor his men ay have the chance of seeing them?—Yes; the me facilities exist for strangers to catch the sh as for the miller himself to do so.

398. I dare say you have heard it stated, if ou do not know it for a fact of your own peronal knowledge, that great quantities of fish are aken by poachers in those places, at certain easons of the year?—Very great numbers.

399. That is to say, by persons who have no ight there whatever; neither the miller nor any ne connected with him?—Quite so.

400. Have you given much attention to the uestion of legislation with regard to anything xcept fish of the salmon kind; for instance, have ou given any attention to char, trout, and eels?—No; I have not given my attention particularly o the subject of char.

401. I think the Committee are fully in ossession of your views with regard to the ower to be conferred upon the Boards of Conervators, to raise funds by means of rates?—Yes.

402. The map against the wall of the Committee-room shows upon it the various fishery istricts that have already been formed in England and Wales, does it not?—It shows the arious fishery districts formed in England and Vales up to the present time.

403. Is there a considerable area within England and Wales that has not yet been formed nto salmon fishery districts?—Yes; there is a ery considerable area not yet formed into shery districts.

404. Do you think it desirable that the remaining portions of the kingdom should be covered y fishery districts?—Yes, I think it is desirable hat the remaining portions of the kingdom hould be covered by fishery districts, for the urpose of securing uniformity in the law throughut the kingdom.

405. I believe the general impression is, that almon usually frequent the same river?—That s the popular belief.

406. But in order to make the salmon fishery laws efficacious, the law should be applied to the whole of such portions of the country as contain salmon rivers, if not the whole of the country?—Certainly.

407. There are some parts of the district of Cumberland where proper salmon districts have not been formed, are there not?—Yes, there are some very important parts of Cumberland in that condition.

408. You think it is desirable that they should be formed into fishery districts? — Yes, I think so.

409. There is one other important matter connected with mill weirs and mill dams, with regard to which the Committee wish to hear your opinion: you have explained to us a mode by which almost every artificial obstruction may be overcome, but may it not happen that in some cases where dams are connected with mills of comparatively little value, it may be expedient that the dams should be entirely removed?—I should say it was expedient that the dam should be entirely removed, provided no satisfactory fishway could be made for a reasonable sum of money.

410. Supposing the alteration would cost more than the dam and mill connected with it are worth, is there any reason why power should not be conferred on Boards of Conservators, with the sanction of the Home Secretary, and if necessary, of Parliament, to purchase those dams for the purpose of removal?—I think that in a very exceptional case, where, for example, the mill was of a very trifling value, and the obstruction was of enormous importance to the river, such an exceptional power should be lodged perhaps in the Home Office; that there should be the power of directing the compulsory sale of the mill, but that would be, I think, a very exceptional case.

411. There is already a permissive power conferred on the Board of Conservators by the existing law, is there not?—Yes, to any extent; by agreement they may purchase dams for the purpose of removal.

412. Do you think there could be any objection to confer on Boards of Conservators power in exceptional cases to purchase the interests of the owners under the Lands Clauses Consolidation Act?—I think there would be no objection, provided the limitations were somewhat defined.

413. Would it satisfy you if in the first place the Board of Conservators should arrive at the conclusion that it is desirable that the dam should be purchased for removal, that that opinion should be confirmed by the Home Secretary or by the central authority, whatever that authority may be?—Yes, so long as some check is placed upon the power of the Board of Conservators, I think that might be useful in some cases; but as I stated before, I think that would be a very exceptional case indeed.

414. I gather from your evidence that it should be a case where both the Board of Conservators and the Home Office deemed it expedient to remove the dam for the benefit of the fisheries of the district?—Yes.

415. Then if the provisions of the Lands Clauses Consolidation Act were not deemed sufficient, or the control of the central authority was not deemed sufficient, might it not be done in the same way that power is now conferred on local boards to purchase lands, namely, by a provisional order, which does not come into ope-

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ration until it is sanctioned by Parliament?—Yes; in the mode in which local boards proceed when they wish to acquire property compulsorily.

416. The course is to apply to the Home Office, who may make a provisional order, and that provisional order does not come into operation until it is embodied in a Bill, and receives the sanction of Parliament?—Yes.

417. Would not provisions of that kind, so guarded, be exceedingly useful in connection with the salmon fisheries of this country?—Yes; I think so, because it is not likely to be abused; it is not likely that a Board of Conservators would raise funds for the purpose of purchasing a thing that was wholly unimportant.

418. But suppose the Board of Conservators to propose what is unreasonable, they would be controlled, first, by the central authority, and next by the Legislature?—Yes, quite so; so long as a proper check is kept on the Board of Conservators that would be a desirable power.

419. It would be impossible almost that any case of hardship should arise under such provisions, would it not?—I think so.

420. Of course I contemplate that full value would be paid to the owner before any steps were taken to touch his property?—Yes.

421. The provisions in that respect of the Lands Clauses Consolidation Act would apply, would they not?—Quite so; except that by the Lands Clauses Consolidation Act you can take possession of property without paying the money in some cases.

422. But you must have deposited security, or done something equivalent to paying the money, must you not?—I think there are some exceptions.

423. But if there are any such exceptions, you would make it a condition that the owner should be paid for his dam before it should be pulled down?—Certainly.

424. Have you at all considered the desirability of placing the whole of the salmon fisheries of the United Kingdom of England, Scotland, and Ireland, under one and the same Act of Parliament, and under one and the same management?—Yes; it would conduce to economy, if that was any object of the Legislature.

425. But it would, in your opinion, also conduce to efficiency, would it not?—Yes, I think so; I think it is quite practicable, and no doubt it would conduce to economy and efficiency.

426. I see on referring to the report of one of the late Inspectors of Salmon Fisheries, Mr. Eden, who, as every one knows, was thoroughly conversant with the subject, he recommends that course; do you concur in the opinion expressed by Mr. Eden in his Report of 1865?—Yes; I think it is not only practicable, but that it would conduce both to economy and efficiency.

427. And you think it therefore desirable?—It is desirable.

428. Mr. *Liddell.*] What department of the Government do you think ought to be charged with those duties?—There is such a conflict at the present time between the Board of Trade and the Home Office, that it is very difficult to say which of these departments should have the superintendence; but I do not know that it would matter very much, provided the body that had the immediate charge of the fisheries was efficient.

429. I believe, as a matter of fact, the sea fisheries are now under the control of the Board of Trade?—So far as there is any control the sea fisheries are under the Board of Trade; but there is almost no control at all; there is no control at all with regard to the sea fisheries; there is nothing there but the oyster fisheries that is subject to any law whatever; the whole of the restrictions that used to prevail with regard to the sea fisheries are repealed.

430. Mr. *Whitwell.*] I believe that all the Irish Deep Sea Fisheries Acts have been referred to the Secretary of State for Ireland?—Yes, to some extent.

Tuesday, 13*th July* 1869.

MEMBERS PRESENT:

Colonel Amcotts.
Mr. Assheton.
Mr. Dodds.
Colonel Edwardes.
Mr. Hambro.
Mr. Henry Herbert.
Mr. Knatchbull-Hugessen.
Mr. Liddell.
Mr. William Lowther.
Earl Percy.
Mr. Whitwell.

JOSEPH DODDS, Esq., in the Chair.

Mr. James Paterson, re-called; and further Examined.

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431. *Chairman.*] Is there any point connected with the fixed engines in the Solway with regard to which the present law is, in your opinion, defective?—Yes, that is a point which I omitted to notice on the previous occasion. With regard to the fixed engines in the Solway, when we had occasion to try the cases on the English side of the Solway, the general expectation was that we should also have jurisdiction to deal with the engines on the Scotch side, and most of the people around Carlisle were surprised when, on looking into the subject, we stated that we considered, under the present Act of Parliament, we had no jurisdiction to deal with the engines on the Scotch side. We had of course jurisdiction on the English side, but we announced that we had discovered that we had no jurisdiction to deal with the engines on the Scotch side, and as that seemed to create very much surprise and disappointment, we stated that we should take care to report the subject to the Home Secretary, so that if he felt disposed to take any step in the way of further legislation, he might have the proper materials for doing so, and we suggested that it was a proper case in which the Home Office should take the opinion of the law officers of the Crown as to whether we were right or not in our conclusion with regard to the extent of our jurisdiction. The Home Secretary, Mr. Hardy, did take the opinion of the law officers, who were Sir John Rolt and Sir John Karslake, and he afterwards announced in the House of Commons that they agreed in the opinion that we, the Salmon Fishery Commissioners, had no jurisdiction on the Scotch side.

432. Of course dissatisfaction must necessarily have been occasioned from the circumstance that you had inquired into the question of the fixed engines on one side of the Solway, and that no similar power existed with regard to similar engines on the other side?—Yes, quite so, and I think well-grounded dissatisfaction.

433. You think that the jurisdiction of the Special Commissioners for English Fisheries should be extended to the Scotch side of the Solway?—I think that power might be extended coupled with this qualification, that any appeal from the judgment of the Special Commissioners should of course be to the Scotch courts, because it is a universal rule in the law of every country that all rights relating to real property must be governed by the law of the country where the property is situated.

434. Have you seen the Return presented to the House of Commons of the list of fish passes approved by the Home Office?—Yes, I have seen that Return.

435. Are there only five passes that have been erected under the 23rd section of the Act of 1861?—There are two said to be under the 12th section of the Act of 1861. However, you will find that that Return is incorrect in this respect; that one of those things is a gap in a fishing weir, which ought not have been in that list, because fishing weirs are required by the general law to have a gap, and it is not necessary that the Home Office should deal with it at all; it is provided for by the general law, and this Return ought to have included only fish passes. The second of those two is in reality a gap in a fishing weir, which is required to be made under the 27th section of the General Act; the other is a fishing mill-dam where, of course, the fish pass would require to be first approved of by the Home Office.

436. What is the effect of a fish pass being constructed that has not been approved of by the Home Office?—The first very important effect is that the miller may knock it all down next morning, and there is no remedy because it is not binding on any one until approved by the Home Office; any poacher also might come and knock it down next morning, and there would be no remedy against him except perhaps an action at law, which would be no remedy at all.

437. I gather from the evidence which you gave the Committee the other day, that if the principles laid down in your evidence are well founded, the Committee need not take much trouble with regard to the particular form of fish passes?—No, I think not, and for this reason, that you will find among the great variety of forms of fish passes that have been recently advocated they are all founded on this delusion, that you cannot by any means cut into any weir without risk to the mill, but the moment you arrive at the conclusion that that is a delusion, all these different forms of fishing weirs need

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need not be considered at all. The grand form of fish pass is that which has been hitherto called a fish ladder, which is in reality a mode of regulating the velocity of a particular column of water in such a way that it never exceeds a certain maximum; if it does not exceed a certain maximum, the fish can go up without the slightest difficulty, and, therefore, any other fish passes are merely devices constructed with the view to carry out in the next best way what was supposed to be absolutely necessary, namely, something that would not in any way interfere with the crest of the dam; in fact, the moment you get a column of water, such as would pass through a hole two feet square, the rest is mere carpenters' or engineers' work.

438. In fact, it is a mere matter of detail, the principle being settled in the way which you have described?—Yes, quite so.

439. Mr. *Knatchbull-Hugesson.*] You have studied very carefully the history of salmon fisheries, have you not?—I have studied the history of salmon and salmon fisheries only so far as it is necessary to understand the law, and for a lawyer to act upon it.

440. Are you aware that the price of salmon was formerly much cheaper in England than it is now?—Yes, I am quite aware of that.

441. Is one reason of its increased price the diminution of the stock in English rivers?—No, I think the increase of price is simply regulated by this, that there are more people than there used to be who will give any money for the fish; everybody can now send the fish to the best market, and there is an unlimited demand for it, and so long as that is the case the price, probably, will never go much lower.

442. You do not think that if the production of salmon was increased tenfold, that would make any perceptible decrease in price?—No, not in the price. The object of the Legislature is to produce the greatest quantity of fish; it cannot possibly regulate the price.

443. You do not hold by the generally-received theory that whenever the supply of an article is abundant, that is likely to reduce the price?—That is a very good general rule, but if you find the demand unlimited, that of course checks the operation of the rule.

444. Do you think that the increase of the stock of salmon in English rivers has been checked by the legislation of 1861 and 1865?—I think it will be checked very soon; it does not aid the mode of keeping up the supply at all.

445. You think it will be checked if there be no such alteration as you suggest?—Yes; things will come to a dead lock, and the conservators will burn their books and take no more trouble in the matter.

446. If salmon was a common article of food many years ago with the people of this country, can you account for the apparent apathy with which the country seems to have witnessed the diminution of the supply?—I think with regard to the apathy you speak of, nine-tenths of it is caused by ignorance of the laws affecting the existence of weirs; I should say that is the most likely source.

447. Do you think that one reason of that apathy may have been that the turning of the water of our rivers to milling purposes caused considerable addition to the employment of the people, and consequently to their prosperity?—No; I think that merely complicated the legal question, and made it more difficult to understand. People were probably ignorant of their rights.

448. You think there is no other cause for that neglect of their rights, and the consequent obstructions which have arisen in rivers, and which never ought to have arisen if those rights had been properly protected?—Certainly; I see no reason to make a person part with his property in the fishery to a man driving a mill except ignorance.

449. But if people were in the habit at one period of looking to salmon for a supply of food, do you not think that the new employment and the increased wages introduced by the milling interest may have made them turn their attention less to that article of food, and that that may have been one reason why there should not have been any great outcry against the diminution of salmon?—No; I believe the public knows little about the effect of weirs, and could not possibly judge of the effect of mills being constructed in great numbers on the rivers, so that they could only suffer in quietness, as they found that the fish got scarce.

450. But they would know whether they could obtain salmon at a rate at which they could afford to buy it, or whether it was too dear for a supply of food?—No doubt they would find that the salmon was much scarcer.

451. Then there must have been something else coming into their pockets, or into their mouths, which caused them partially to disregard the diminution in the supply?—I hope there was, and that is all I can say.

452. Have you any idea of the amount of capital embarked in the milling trade of the country?—No; I think that has no bearing on the legal rights as between the parties.

453. But if you propose by legislation to deal even in a way which you think a justifiable interference with a vast amount of capital embarked in a particular trade, it is well to ascertain what the practical extent of that interference may be; and what would be the feeling in the public mind thereupon, is it not?—I answer that by saying, first, that there is no interference, and will be no interference; but if you assume interference that alters the whole question.

454. If you have a milling dam across a river and you propose for some reason or other to take it away, do you not call that interference?—I do not propose to take any milling-dam away, or to take any property away.

455. I understood you to say that you were favourable to the compulsory purchase of mill-dams under certain circumstances?—The Chairman put a question to me whether there might not be some very difficult cases where it might be necessary to apply the principle of the Lands Clauses Consolidation Act; that is to say, for the compulsory purchase of dams; I said that there might possibly be some such cases, but I did not think it at all likely.

456. Do you know whether there has been any alarm evinced by the milling interest as to a possible interference with their mills by the Legislature for the purpose of preserving the fish?—There has been an abundance of ignorant alarm, but there is no ground for that alarm.

457. Alarm even at the exercise of your present powers?—I have not felt it, or seen it.

458. The person who exercises that power would not feel it so much as the person who was subject

subject to it, would he?—I do not see how I should be asked such a question; the Home Office may have found out that such alarm exists, but I have no means of knowing it.

459. How many Commissioners were appointed under the Act of 1865?—There were three Commissioners appointed under the Act of 1865.

460. And there are three now?—There are three now.

461. You have stated that you have tried 351 cases; when did you begin to sit?—We began to sit in about May 1866.

462. You have been three years in action?—Yes.

463. Have the cases been tried in about equal proportion each year, or can you give us the cases year by year?—That could be easily ascertained from the records in our office, but I have no record of it at hand.

464. Do you know how many cases you have still to try?—No; because we find considerable difficulty in discovering the statistics; we have written to every official connected with district boards, but, strange to say, we sometimes have not obtained the information which we asked for; of course we cannot proceed until we know how many engines there are in a particular district.

465. Do you wait until you receive complaints, or do you pursue a regular system of investigation?—We initiate the thing so far that we write for information in most cases; that is to say, for the names of owners and occupiers, and so on, because we have to issue a summons and so on, and we must know names and residences.

466. Is that inquiry continually progressing?—Yes, constantly.

467. Supposing no addition were made to your duties, have you formed any idea of the probable period when those duties would terminate?—No; but I do not think that they would occupy much above two years.

468. That is to say, provided no additions were made to your duties?—Provided no additions were made to our duties.

469. But it must be uncertain, I suppose?—No, there must be a limit; and we must sooner or later get at it.

470. You were appointed in the first place for two years, were you not?—Yes, that was the time specified in the Act of Parliament.

471. And you have been annually continued by a Continuance Act since then?—Yes.

472. Had you devoted much time to the study of the fishery laws before you were appointed a special commissioner?—Yes, very considerable attention.

473. Are your colleagues members of the learned profession, like yourself?—They are not.

474. What are they?—One is a naval officer, and the other is a military officer.

475. Now, with regard to the special Acts of Parliament which were repealed in 1861, that repeal was not intended to remove any existing protection from the salmon fishery, so much as to procure uniformity of the law, I suppose?—I should say that the intention must have been to repeal the old laws and re-enact them in some other form; but unfortunately they forgot the latter part, which was the more important part of the two.

476. Will you kindly turn to your answer to Question 47 of your evidence; you say there "there were some of the old Acts which dealt particularly with the very point of enforcing a pass in all weirs"?—Yes.

477. You gave your answer to the next question, with regard to the 17th of Richard 2, stating this, that the justices who were then made for the first time conservators were ordered to do various things, and among others to "survey and search all the weirs in such rivers, that they shall not be very strait for the destruction of such fry and brood, but of reasonable wideness after the old assize used"?—No, that is a clerical error arising from the copyist's using a translation which was wrong; the proper reading is, "with a reasonable opening."

478. Your translation of the old Norman French words "*resonable ouverture*," is "reasonable opening"?—Yes.

479. You allude to that in your judgment in Lord Lonsdale's case?—Yes; I give my reasons for that correction of the common version.

480. But did you not collect some of the Salmon Fishery Acts, which were published under your authority?—Yes.

481. In that, and the Ruffhead edition of the Statutes, from which your collection was taken, is not the translation given as "reasonable wideness"?—Yes.

482. Does not the insertion of the words "fry and brood," instead of "salmon," rather shake your interpretation of those words?—No.

483. Would it not have been more natural that the word salmon should be put in if that Act of Parliament had referred to a free gap or pass?—You must read the Act of Parliament altogether; what was the use of the Statute talking of the usual width, and stating that the weir should not be too strait, and so on, if that was the meaning of it? The proper way to construe a Statute is to read the whole of it, especially if it is an old Statute, which is generally expressed in pretty vague language; you must look at the spirit of it.

484. A great deal will depend on the translation of those words with regard to whether, in that Statute, a free gap or pass was meant, or whether it was meant that the interstices in the bars should be sufficiently large to enable the fry and brood to pass through?—I do not consider that everything would turn on that, but no doubt it is of considerable importance.

485. You do not think that if a free gap had been meant the word "salmon" would have been more natural than "fry and brood"; do you see why it should be confined to fry and brood?—I say it is not confined to fry and brood at all.

486. Will you show me the word "salmon"?—If you look at the beginning of the Statute you will find that it is dealing with salmon.

487. But does this clause mention salmon?——That is not the proper mode of construing the Act; salmon is not mentioned here because it says, "the destruction of such fry and brood," and uses the word "strait"; the word "strait" may have regard to fry and brood, but it does not follow that the following words, "with a reasonable opening," should refer to fry and brood.

488. But as the words, according to your own showing, might mean "reasonable wideness," so as to let the fry and brood through, would not the

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the word "salmon" naturally have been used if it had been meant to apply to the larger fish?—No, I do not see that it would be necessary at all.

489. Now I understood you to say that the expense of hearing a case before you was infinitely less than it would be in an ordinary court of law?—Yes, I said so.

490. Now if an action was brought against the owner of a weir in an ordinary court, would not the costs of the action follow the verdict?—Sometimes it does, and sometimes it does not.

491. Is that the case in your court?—No, that is the fault of the Act of Parliament, if it is a fault.

492. Then, even if an owner established the legality of his property, he would not be reimbursed his costs; he would have to pay them?—Yes, but he would not probably be put to very much expense, considering also it is a grievance in which a great many other people are interested.

493. But I am taking the case where an owner has proved that he has a perfect right to a species of property, his right to which you are questioning; if he establishes that right, do you think it is reasonable to suppose that he would prefer a court in which he could not obtain costs, to an ordinary court in which, if he proved his right, the costs would follow the verdict?—No, I do not say that he would have preferred the court of the Commissioners; very likely not, because very likely the other persons would not have proceeded with the action. However, it was thought by the Legislature that the rights were so mixed up that it was a fit case in which some short and summary remedy should be applied, and if the Legislature did not provide that the losing party should pay the costs, that was the fault of the Legislature.

494. Do you know how much the Dinsdale inquiry cost the owner?—No.

495. If it cost 1,000*l.*, should you not think it rather hard on that gentleman?—I should say that was only imaginary; you may just as well tell me that it cost 1,000,000*l.* I would as soon believe one as the other.

496. How did that inquiry come before you?—In the ordinary way, by exercising our jurisdiction.

497. What was the result of that investigation?—The result of it was, that we decided the case.

498. And you now think that the special Commissioners, or some other similar body, should be constituted a tribunal to judge of the legality of all obstructions caused by dams?—Yes.

499. In fact, to inquire into the title of all the mill property of the country?—No, I should almost call that a declamatory way of putting the case, and I totally deny that that was ever meant by anybody.

500. But you do want powers to inquire into certain rights which those gentlemen claim, do you not?—Yes, into certain rights by which the property is apparently used to the prejudice of others.

501. And if you wish to have power to decide whether a person's title to that use of his property is right, some declamatory persons might call that inquiry into the title of the mill property, might they not?—They might.

502. Do you not think that there would be a jealousy on the part of Parliament in giving those large powers to a special tribunal?—That is for Parliament to consider; I am not Parliament.

503. But you give an opinion on which legislation is to be based?—Yes, and I give my reasons.

504. And I am wishing you to consider the reasons which would operate on the mind of Parliament, which mind you desire to guide?—I have given my reasons, and it is for Parliament to consider them.

505. If there was a jealousy on the part of Parliament as to giving those powers, would it be, in your opinion, an unreasonable jealousy?—Certainly, a most unreasonable jealousy.

506. You do not think that the milling interests of the country would be better satisfied to have their rights inquired into and settled by one of the ordinary tribunals of the country than by special Commissioners, only one of whom is learned in the law?—Yes, I think they would be a great deal better satisfied, for this reason, that they would be pretty sure they would never be inquired into at all.

507. Do you not think that the construction of the law given by any of the superior courts might carry more authority with it than the decisions of a special tribunal of this character?—Of course it would.

508. You do not think it is very unreasonable if these gentlemen state that they would prefer an action in one of the ordinary courts?—If you improve the machinery of the ordinary courts, and enable them to try a question which they ought to try, the whole difficulty would be solved.

509. To whom are you responsible?—We are responsible to Parliament in the same way that a member of the Cabinet is responsible. We are appointed to the office under the authority of an Act of Parliament, and it is our duty to act in accordance with that Act of Parliament.

510. You would give a power of appeal to a superior court, would you not?—Undoubtedly, in all cases whatever.

511. Of course you would give it to both sides?—Yes, undoubtedly, and they have it now.

512. Then if the confidence of those gentlemen was not so great as we could wish in the special tribunal, would there not be constant appeals and a vast increase of litigation and expense?—That would depend entirely on the dispositions of the persons, probably they might not be convinced by our decision, and they would go on litigating until perhaps they thought they could get a decision adverse to our view. As a general rule I think one or two decisions ought to involve the same point that governs all the others, and therefore it would be a very short inquiry indeed.

513. Do the several results that you have arrived at govern a great number of other points?—Certainly.

514. How long does it take you to settle these Special Cases?—It depends very much on the temper and disposition of the parties who appeal; in some cases we have settled it in about three weeks, and in other cases correspondence has taken place which has lasted for three or four months.

515. Is the Clitheroe case finally settled now?—Yes;

-Yes, it was decided by the Court of Queen's ench.

516. Is the Dinsdale case finally settled also? -The appeal is not going on, for the reason that ie owner of the dam proposed an alternative hich the Commissioners thought it reasonable accept, or give priority to, and the appeal is in spense of course.

517. Can you tell me how many cases there e in prospect now?—There are 10 cases pend- g, but we have every reason to believe that ore than one-half of those cases are just waiting be withdrawn.

518. Is one of those cases the Chester Weir in he River Dee?—The Chester case has not been ecided.

519. Have you had any inquiry into the hester case?—We have not completed the in- iry, but we have had an inquiry so far.

520. When did that inquiry take place?—That quiry took place in 1866.

521. And in July 1869 it is still pending; how that?—In consequence of the defect of the ct of Parliament we found that it would not be esirable to resume that inquiry at present.

522. Will you kindly turn to Question 142; ou say there, "all riparian owners situated in ie upper part of the river have a cause of action gainst the miller for the obstruction of their ater; but it does not follow that their cause of ction is extinguished after 20 years"; was not hat point involved in the case of Rolle *v.* Whyte? —No, that point was not touched in the case of olle *v.* Whyte, and it was not even argued, hough the court assumed it apparently one way r the other.

523–4. Did not Lord Chief Justice Cockburn ake use of these words: "It seems to us clear, hat though weirs in navigable rivers are illegal nless they existed before the time of Edward 1, uch an easement may be acquired in private aters by grant from other riparian owners, or y enjoyment; in short, by any means by which uch right may be constituted"?—Yes, he said o; you will find my comments on that in the Salmon Hall Judgment.

525. Will you state very briefly your views pon those observations of Lord Chief Justice ockburn?—I will read section 93 of the Salmon Hall Judgment, for in that very paragraph that ery case is quoted, and I say, "the court not only ssumes in Rolle *v.* Whyte, that a fishing weir s an easement, but it seems also to assume that n easement may be acquired otherwise than by rant, for the court, after reviewing some of the arly Statutes, says this: 'For these reasons it eems to us clear, that though weirs in navigable ivers are illegal unless they existed before the ime of Edward I., such an easement may be equired in private waters by grant from other iparian owners, or by enjoyment; in short, by ny means by which such rights may be consti- uted.' This implies that a grant is merely one ut of several ways of constituting an easement, nd in particular that 'enjoyment' is something ifferent from a grant, not to speak of the other words, 'any means by which such rights may e acquired.' Now, it has always been well ettled in the law of easements, that there is no ther way known to the law by which an ease- ent can be legally created or acquired than by rant." The Lord Chief Justice assumes that here is another mode of creating an easement, ut I say that there is no other mode of creating one known to the law; and then I quote my authorities for that.

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526. But when you say that you do not think that it would exactly follow to the full extent, are you of the same opinions which you expressed in the 97th section, when you say, "Now the effect of the decision in Rolle *v.* Whyte seems to amount to this: if any person who owns a fishing or mill-weir in a non-navigable river, and can prove a blind enjoyment of it, *i.e.*, an uninterrupted enjoyment of it for 20 years, he has at the end of 20 years, or at the utmost 40 years, acquired a good title against all the world"?—Yes; that is stating properly the effect of the Lord Chief Justice's judgment.

527. Does not the Salmon Fishery Act of 1861 provide for weirs erected since 1861?—It merely provides that a pass is to be made in such a weir.

528. Assuming the decision of the Court of Queen's Bench to be correct, would not then the question about illegal dams turn on those that were built within the 12 years preceding the year 1861?—No, not at all; it would turn on the 20 years succeding 1861.

529. Not if the inquiry was instituted in 1869?—No.

530. But it would be 20 years at all events, whatever the construction may be?—But you are overlooking the effect of the Statute of the First of George 1st, and that makes a most material difference. There was a Statute of the First of George 1st, the object of which was to prohibit persons from erecting dams which hindered the passage of fish.

531. Was that Statute saved in the legislation of 1861?—It was utterly repealed.

532. Then, unless we re-enact it, it is of little use referring to it?—It is of great use referring to it, because questions may arise within the next 20 years upon that Statute.

533. But if it is repealed it cannot very well be enforced, can it?—It depends on what rights there are; if you acquire a right when a particular Act is in force, and you afterwards rely on the proof that for 20 years you used a particular thing as of right, the proper answer would be by saying, there was an Act of Parliament in operation up to 1861, which shows that you could not, at all events, have been doing it of right up to 1861, whatever you may have been doing since.

534. Do you think that the Home Office is bound to assume that the ruling of the Court of Queen's Bench is a proper exposition of the law?—It depends on what the Home Office intend to do; I do not see that it is called upon to assume one thing or the other.

535. You do not think it is right as a matter of prudence, for a public department to assume that the interpretation of the law by a superior court is a correct one?—I do not think that the court had the facts before it, or probably they would have come to a totally different conclusion.

536. Have you directed your attention to the Statute of 4 & 5 Anne, with regard to the Hampshire rivers?—Yes.

537. I think you allude to that somewhere in the Salmon Hall Judgment?—Yes; I think it is in the 47th paragraph.

538. You say at the end of the first paragraph of section 42: "Then the previous Statutes as to close season are recited and ordered to be

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strictly enforced"; you held that those Acts of Parliament were then applicable to non-navigable rivers?—Yes; I am stating there what is in the Statute of Anne.

539. Are you aware that the Statute says that those Acts of Parliament shall be strictly enforced, which would seem to imply that they were already applicable to those non-navigable rivers; but with regard to the Statute of Edward 1st, it says that it shall extend and be in full force, as if it had not been extended by the previous authority of Parliament, but was by this Act to be extended to it?—Yes. I see that the Act of Anne uses the word "extend," but I do not say that that is the construction which you are to put on it; I should not agree that that implies that the Act of 13 Edward 1st did not previously apply to that river, because, Coke and Hale both say expressly that it applies to all rivers.

540. Now, all weirs in navigable rivers have been erected under the express sanction of Acts of Parliament, have they not?—I suppose so; I have no means of finding that out, except by general reasoning.

541. But you do not doubt the fact, do you?—I said I thought it was very likely that they were under an Act of Parliament, because no man can tax another without the authority of Parliament.

542. Do you know that they are specially exempted from the operation of old Statutes, and that they are consequently legal; that is to say, those weirs in navigable rivers that are erected under the express sanction of Acts of Parliament?—I know that the Act of Parliament which authorises a navigation weir to be built, impliedly repeals all inconsistent Statutes before; that is the necessary effect of every Act of Parliament.

543. But are you not acquainted with the special exemptions?—I should take it for granted so far as an Act of Parliament authorised them to be made.

544. If then the weirs on navigable rivers are legal, and if the Court of Queen's Bench is right the weirs on non-navigable rivers are legal, what good would you say could result from a special tribunal to inquire into the legality of of those weirs?—The Acts of Parliament that have authorised navigation weirs to be built, entirely overlooked the necessary effects of such weirs on private owners, and have, *pro tanto*, confiscated their rights of fishing, which is contrary to the established practice of Parliament.

545. In fact, you think that Parliament has been wrong in passing those Acts?—Yes, decidedly, without giving compensation to the parties who are directly injured by these weirs.

546. Now, to come to the question of fish-passes: at page 5 of your first day's evidence, Question 39, you say, "I am scarcely aware of any instance in which this provision has been carried out so as to do good to any one"?—Yes.

547. Are you aware that a list was published in the inspector's last Annual Report, of 90 passes erected on dams in England and Wales, all of which have been inspected, and many of which were erected under the advice of the inspectors?—Yes, and nearly all of which they say they think are useless. You will find that the remarks upon the whole of them are very much to the effect that they are all but useless. I am now referring to the last paper in the last page.

548. Some of them are marked as effective, some as non-effective, and some as partially effective; but still if 90 passes have been erected, some of which are effective and some are not, is it fair to say that the Act of Parliament has been a dead letter?—What I meant was, that the Act of Parliament has been a dead letter, especially of late years; that the virtue of it has been entirely spent for a long time, and that no further good is to be expected from it.

549. I see, according to the inspector's report, that 40 of those passes are returned as effective, or partially effective; you have, perhaps, not looked closely into that?—No, I have not.

550. Are you aware that the 12th section of the Act of 1861 enables the owner of a fishery, after a pass has been approved, to fish close up to the dam?—It does not enable him to do more than he could do before.

551. It does not prevent his fishing close up to the dam, does it?—The Act of Parliament says that he shall not fish there unless a pass has been made.

552. If a pass has been made and approved of, he can fish close up to his dam, can he not?—It does not confer that power on him at all; it merely says that he shall no longer be prohibited from exercising that power.

553. He is not prevented from fishing close up to his dam, is he?—He had that right before the Act was passed.

554. Then he is not deprived of his right to fish close up to the dam, if the pass is approved by the Home Office?—Certainly not.

555. Are you aware that in consequence of this clause, boards of conservators are very often reluctant that the formal approval of the Home Office should be given to those passes?—I do not know anything about the views of the Conservators on this subject.

556. Does not the present law compel the owners of a fishing weir to make the free gap one-tenth the size of the weir; that is to say, to leave one-tenth of the stream free for the passage of the fish?—Yes, if it is more than halfway across the stream.

557. But a pass is better than a gap, according to your view, is it not?—I think the honourable Member mistook what I said. The Act says imperatively, that in a fishing weir, that is to say, a weir that is not used for damming the water at all, there shall be a gap of a certain size; that does not interfere with anybody's mill.

558. I understood you to say that, as a general rule, a free gap, owing to the velocity of the water and various other reasons, was not so efficacious as a well-constructed ladder?—I was talking there of a dam, which ponds up the water; but that would not apply at all to a fish weir, which does not pond up the water.

559. You objected to the return which was sent in of the fish passes approved of, and you said that the Fleet weir of the River Irme, in Devonshire, has not a pass but a gap?—Yes.

560. Do you know that yourself?—I see it so stated in the inspector's report, that it is not a fishing mill-dam at all, but a fish weir, and therefore the gap was rendered necessary by the general enactment, and did not require the Home Office approval at all.

561. With regard to this fish-pass which you recommend to the Committee, is it a new pass?—You mean the pass, of which I said that it can be easily made over all weirs.

562. Yes:

562. Yes; did I not understand you to furnish the Committee with a pass applicable to all weirs and all dams?—No; I simply said that if you once came to the conclusion that you could make a two feet square hole out of a dam without touching the mill, that the construction of the pass is a mere question for an engineer, or a carpenter; there is no difficulty about it; I merely told you what the effect of this inlet of two feet square would be on the milling power.

563. I think I heard something about a self-acting valve?—Yes; I said that the engineer should make a self-acting valve to operate for any such pass if it is made.

564. Am I to understand you to say that there is a special form of pass which you recommend as being applicable to all weirs and dams?—Yes; you may say that there is a kind of normal pass, which would suit every weir and dam.

565. Do you think that in that pass you have arrived at the "infallible certainty" with which you say at Question 189, that people ought to act?—So far as the pass is concerned, I think it is a matter of infallible certainty.

566. You think that the passes hitherto put up have been very often inadequate?—Yes; generally, because they are in the wrong place, the outlet especially; another reason is, that they have no inlet, and that they do not cut into the crest of the weir; those vital defects make those existing passes utterly useless as a general rule.

567. This is the solution of the question that has been puzzling us all so long, is it?—I think so.

568. And you are satisfied that it would do no injury to the milling power?—Quite.

569. Have you shown that plan of yours to any millowner, or have you discussed it with any millowner?—No; I have not taken that means of informing myself; that would not add much to my knowledge, I think.

570. Only as a practical man, the millowner would be most likely to know of any practical objections, if any, would he not?—No, not the least; I do not think that millowners make the laws of running water their study; all that a millowner knows about the matter is, that if he has a weir of a certain height, he finds that it generally suits his purpose.

571. But is not a man very apt to know, or to think that he knows, what will injure or benefit his own property?—No; he ought to know what will injure or benefit his own property, but I think that the miller, in this particular case, certainly does not know it.

572. You think that the ladder is superior to the free gap?—Yes, as a general rule, for the reasons which I have already stated.

573. You do not mean that it is superior because of the great injury which would be done to the milling power by the free gap, but you really think, taking into consideration the fall and the velocity of the water, it would be preferable for the fish and for the individual?—Yes, it would be better for both reasons.

574. Was that always your opinion, or is it a recent one?—I do not say that it was always my opinion, because I had not at one time specially directed my attention to the engineering part of the question.

575. In the case of Mr. Bassett's mill, down at Umberleigh, did the Commissioners direct the construction of a free gap there?—Yes, for this good reason, that that is one of the cases where a free gap is about as good as an ordinary pass, because it is not used to pond up the water to a great extent; there is so much water to spare that the gap makes no difference, and there is a very slight difference of level between the water above and the water below.

576. Was the effect of the Clitheroe case, that you made there a permanent opening, very much larger than the one which you now recommend as sufficient?—In that case it was merely a nominal gap. The object was to enable the party to appeal to the Court of Queen's Bench. We merely fixed upon that because the Board of Conservators were satisfied that it would suit their object, and we gave the option to Mr. Garnett, that if he could satisfy us that any other form of pass would be more effective, or equally effective, then, of course, we should accept it.

577. You had not then ascertained the means of getting the fish over without injuring the milling power?—I had not directed my attention exactly to that point.

578. You say in your report, "It is quite impossible to make any order without, to some extent, injuring the milling power," do you not?—I may have been under a mistake; as the judges in other courts are every day under mistakes.

579. Do you remember your order in the Dinsdale case, to this effect: "What we order is a cutting in the top of the dam, seven feet wide and four feet deep, that being the size of opening which we find required, in ordinary circumstances, for this purpose, and the situation of this opening will be in the centre of the dam"?—Yes, it was thought at that time by everybody that that was an infallible mode of enabling the fish to pass, but it has since been found that it is not so.

580. In fact, since that time you have changed your opinion?—I have attended to the reason and facts of the case, as well as I could, and have followed both, so far as I have been enlightened.

581. But in those cases you did order a free gap, not thinking that a pass would meet the exigency of the case?—That is so, subject to what I have stated.

582. Have the special Commissioners ordered any passes anywhere in fishing mill-dams?—No; I think those are all the cases they have dealt with in fishing mill-dams.

583. You do not think that cutting a hole in the side of the weir would weaken the structure and solidity of the weir?—It depends upon where the hole is cut.

584. But supposing it done in the most approved fashion?—What I said was cutting a hole in the crest of the weir; I should say if that was done with ordinary care, it would not in the least interfere with the solidity of the weir.

585. You have not got any model of a self-acting valve, I presume?—No; but I assume that there is no difficulty about that, because an engineer of practical experience says that it is a common thing.

586. But might you not be as wrong in assuming that, as you say the Lord Chief Justice was wrong in his assumptions?—The civil engineer will very likely explain to the Committee all about it; I am not a civil engineer.

587. You cannot inform the Committee where

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it is to be seen in action?—I have no doubt that the engineer will explain it.

588. Mr. *Hambro.*] It would be partly explained by the action of a ball-cock, would it not?—Partly; the engineer will produce the model, I have no doubt.

589. Mr. *Knatchbull-Hugessen.*] But if the special Commissioner's order that a ladder is to be erected, who is to furnish the plan?—I should say it would be part of the Commissioners' duty to settle the plan, and to see that it was correct, and according to the ordinary principles, and likely to be efficient.

590. The inspectors would not have anything to do with it then, would they?—I do not see of what use they could be under the circumstances.

591. Suppose there was any danger to the mill, or any injury, you propose that compensation should be given to the miller, do you?—Yes, if there was any injury, compensation would be necessary, assuming the mill, of course, to be legal in that respect.

592. Do you think that Boards of Conservators generally can afford to pay compensation, or do you propose to meet that by a system of rating?—I should say if an Act of Parliament was passed of the kind I described, Boards of Conservators would very soon be furnished with ample means for all purposes.

593. You told the Committee that some districts were starved for want of funds, and that you thought the best remedy would be to levy a rate on all persons likely to be benefited by the fisheries?—Yes.

594. How would you ascertain who those persons were who were likely to be benefited by the fisheries?—Those persons are very easily ascertained, the owners of fisheries in the river, and also the owners of several fisheries in the estuaries; of course there are many instances of that, and they would be directly benefited.

595. You stated, I think, at the same time, that in accordance with the report of Mr. Eden, you saw no difficulty, but an advantage in placing the law on the same footing in three countries?—In that respect.

596. Did you not speak generally?—I do not think so.

597. I think you will find that Question 424, with the answer, runs as follows: "Have you at all considered the desirability of placing the whole of the salmon fisheries of the United Kingdom of England, Scotland, and Ireland, under one and the same Act of Parliament, and under one and the same management? Yes; it would conduce to economy, if that was any object with the Legislature. But it would, in your opinion, also conduce to efficiency, would it not? Yes, I think so; I think it is quite practicable, and no doubt it would conduce to economy and efficiency. I see on referring to the report of one of the late inspectors of salmon fisheries, Mr. Eden, who, as everyone knows, was thoroughly conversant with the subject, he recommends that course; do you concur in the opinion expressed by Mr. Eden in his report of 1865? Yes; I think it is not only practicable, but that it would conduce both to economy and efficiency. And you think it therefore desirable? It is desirable"?—Yes.

598. Now, is there no difference between the English and the Scotch fisheries which makes the rating plan applicable to one case and inapplicable to the other?—Certainly not.

599. Are not all the net fisheries in Scotland private property?—Yes.

600. And are not the tidal fisheries of England and Wales public or common property vested in the Crown as trustees for the general public?—Certainly not.

601. Has not that been held to be the case?—What I have said is, that at common law the public have a right to fish in tidal waters, but subject to this exception, that there are many places in those estuaries where certain individuals have the rights of a several fishery, and a several fishery is just as much private property as anything else.

602. You mean that there are certain cases in which a right to a several fishery limits that general right of public fishing which prevails in public waters?—Yes, the public right is subject to a good many exceptions.

603. Then I am not after all to take your answer of "Certainly not," as intending to deny that the tidal fisheries of England are to a great extent subject to a common right of fishing?—I thought your question seemed to challenge an immediate affirmative, and all I say is, this is subject to certain exceptions.

604. Are not the tidal fisheries the most valuable fisheries?—Decidedly.

605. How do you propose to levy a rate on the public fisheries?—I do not propose to levy a rate on the public fisheries at all.

606. Do you recommend that private fisheries which are the least valuable shall be rated, and that the public fisheries shall escape?—The public fisheries do not escape, because those who fish there pay license duties.

607. Then you would have a rate and no license in private fisheries, and a license and no rate in public fisheries?—Certainly, as regards the public; you cannot rate the public.

608. You would have no license in private fisheries?—Yes, just the same as there is now. I say that a rate or assessment is a kind of supplementary fund, which may be resorted to now and then to supply the means of making great improvements, such, for example, as purchasing up a weir or making a fish pass.

609. Might it not be contended that if you rated and also taxed by license the owner of a private fishery, and could only get money by licenses from the public fisheries, the least valuable portion of the fisheries was doubly taxed?—No, because you have the power of regulating the assessment.

610. But you cannot assess the most valuable fisheries at all?—Of course when you speak of value, that is a vague expression, and I do not know what meaning you attach to it. Each of the public has the right of fishing in the tidal waters, and he pays a certain license duty, which is supposed to be a fair sum, in the shape of contribution to the fund; but an Act of Parliament may any day enable the Board of Conservators to increase that license duty; and besides that you can qualify the rate in the Act of Parliament by saying that the license duty *pro tanto* shall be a kind of set off against the assessment.

611. That is how you would equalize it, is it?—Certainly.

612. Are there any such things as common fisheries in Scotland?—The word common is used in a peculiar sense in Scotland; it is not the same as in England exactly; there are

common

common fisheries in Scotland, particularly in lakes.

613. In Scotland it is the Commissioners, is it not, who make the bye-laws?—They were authorised by Act of Parliament to make a great many bye-laws.

614. Once for all?—They did so.

615. Boards of Conservators are differently constituted in Scotland, as compared with England and Ireland, are they not?—They are constituted by first dividing the river into the upper and lower parts, and then they have two or three Conservators to represent each of those two interests; and then they generally allow the greatest proprietor on the river to be the chairman, or at least an *ex officio* member.

616. In Ireland the Boards of Conservators are elected by the license holders, are they not?—Yes; they elect representatives.

617. And in England the Quarter Sessions is the authority, is it not?—That is the present authority for appointing the members.

618. Do you think that that is a satisfactory authority?—No, I do not think that it works very well. There are too many members in the English Boards of Conservators at present, and I think it would be much better to reduce the number, and elect them by representation.

619. How would you propose to elect them?—I would propose that they should be elected by giving the right of election to all the owners of several fisheries and the license payers.

620. You have stated that when the bye-laws are sent up by local boards to the Home Office, you are not aware that the Home Office goes very deeply into the subject; what is your authority for that statement?—What I suppose takes place is this: I have no particular knowledge of the subject; that some one in the Home Office very likely reads over the bye-laws carefully, and sees that they are not illegal on the face of them; but I do not suppose that the Home Office scans them very minutely, so as to detect what is legal or illegal. It is everyday's practice in the courts of common law to find bye-laws pronounced illegal, which have had the approval of the Home Office.

621. Are you aware that there are certain gentlemen called fishery inspectors, whose special business it is to advise the Home Office on these matters?—I am aware that there are inspectors.

622. Are you aware that anything connected with the fishery department which come to the Home Office is referred to the proper officers of that department for their report and advice thereon?—I have no knowledge of the subject.

623. Then if you were not aware of that, was not it rather unfair to tax a public department with not going very deeply into a subject into which it is its duty to go deeply?—I mean that persons would require legal knowledge in order to go through those bye-laws effectively. Bye-laws require the greatest possible care in framing them.

624. *Chairman.*] There is no existing power to make bye-laws with regard to fisheries, so that in putting the question I had not the slightest reference to the fishery department of the Home Office, nor could you have had that in your mind in replying to my question, I suppose?—No, I meant it generally; it is a common practice in Acts of Parliament, for instance, in the Local Government Acts, to give the power of making bye-laws, and there is generally this qualification, that they must receive the approval of the Home Office before coming into force.

625. There is no power in the Home Office with regard to the English fisheries, to make or sanction any bye-laws?—No.

626. Mr. *Knatchbull-Hugessen.*] Then, if your answer is meant to be general, was it not still less called for?—I should like to explain that what I meant to say was this: that bye-laws require the greatest possible care in framing, because a great many of the bye-laws now existing in the country contain parts that are entirely illegal; and I am also aware of this, that most of these very bye-laws, many of which are illegal (and so they find almost every day in Westminster Hall), require to have the approval of the Home Office; as everybody knows in Westminster Hall, the approval of the Home Office does not guarantee that all those bye-laws are legal, it is simply a kind of check put on the Boards, and is supposed to make it likely that they will pay more attention to the framing of bye-laws.

627. I suppose I may take it thus, that you did not mean to make any reflection in any way on the manner in which the Home Office performed its duties?—Certainly not.

628. *Chairman.*] May I call your attention to Question 337, and the answer. You were asked, "Can you suggest anything better than the Home Office or the Board of Trade, whichever for the time being may be charged with this particular duty?" and you replied, "I should say that the one or the other of those departments ought to have such power"?—Certainly, it acts as a check upon local boards.

629. Mr. *Knatchbull-Hugessen.*] The inspectors of fisheries are appointed under the 31st section of the Act of 1861, are they not?—They were first appointed under that section.

630. And they are kept on by a Continuance Act?—Yes.

631. And the 32nd section inferentially orders them to prepare reports, "Which reports shall contain as far as may be practicable a statistical account of the fisheries, with such other information as may be collected, and suggestions offered for their regulation and improvement"?—Yes, that is the Act of Parliament.

632. Do not these reports require great care, and are they not evidently prepared with much labour and attention?—I should say that they require very great care indeed.

633. And do they not often necessitate a local inquiry?—I can only form my opinion from what I should suppose to be my duty if I were preparing such a report.

634. If those important duties were imposed on the inspectors by the Act of 1861, what is your meaning in answer to Question 62, in saying that "The particular place and form of grating were to be approved by one of the inspectors, that was the only duty cast on the inspectors by the Act of 1861"?—That was the only specific duty cast on the inspectors besides preparing the reports.

635. But there was no "besides" in that answer, was there?—I think it was stated in another reply that they were to make annual reports.

636. You admit that the preparation of the report is a duty cast upon them by that Act of Parliament?—Undoubtedly; the Act says so.

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637. Now with regard to the Taw and Torridge, there is a discrepancy there between the statement of the inspector and a statement furnished to you with regard to the number of dams on the Taw and Torridge, is there not?—Yes, there is a very great discrepancy.

638. Should you be surprised to find that the information, erroneous or not, upon which the inspector made his statement, was given to him by the very gentleman who subsequently gave you your information?—I know nothing about that.

639. Do you know whether the gentleman was acting on behalf of the Board of Conservators in furnishing that information to you?—I asked that gentleman more especially because I was aware that he knew as much of the statistics of his own district as any one else. I selected him as the person most likely to know the details.

640. Is he on the board of the Taw and Torridge Conservators?—Yes.

641. Acting in harmony with them, and representing them?—So far as I know; he seemed to be an active member of the Board.

642. Did you write to him, and did he furnish you with an answer?—I desired a letter to be sent to him, which I will read; it was written by the secretary of the Commissioners; the letter was sent to Captain Whyte on the 24th of June 1869. "Dear Sir. In the inspector's last report, page 74, Mr. Walpole states (as an argument to prove that the Special Commissioners would never get through the work if they had to try the legality of the mill-dams that hinder the passage of fish) that there are 400 such dams on the Taw and Torridge alone; will you, from your knowledge of these weirs, state for the information of Mr. Paterson, 1st. Whether it is true that there are 400 mill-dams on the Taw and Torridge alone, including their tributaries. 2nd. State how many there are on the main rivers of Taw and Torridge, without counting tributaries. 3rd. How many of the whole number of dams on the main rivers of Taw and Torridge materially hinder the passage of fish, and would require to be dealt with by the Commissioners if their powers were extended. 4th. Out of the whole number of dams, and the tributaries, without counting the two main rivers, how many of them materially hinder the passage of salmon, and how many of these are situated in small brooks, which would not usually be frequented by salmon, though occasionally salmon may visit them in great floods."

643. This was an exceptional case, but you do not, as a matter of habit, address inquiries to individuals with regard to the accuracy of the reports furnished by the officers of the Government, do you?—I thought it very important to inquire into the accuracy of that particular statement.

644. But you do not know whether Captain Whyte, in answering that, or any correspondence which he had with you, acted in connection with the Board of Conservators, or independently?—I wrote to him because I thought he had the greatest personal knowledge of any member of the Board of Conservators.

645. Would it not have been as well to write to the Board of Conservators, and so obtain an official statement?—I did not think that necessary; it is a matter of accuracy or fact which can be ascertained by anybody; it cannot matter much who gives the facts.

646. With regard to the last report of the inspector, did it not in its preface recommend seven heads of alterations in the law?—I have not looked at that very attentively.

647. I think you agree in the third head, with regard to the formation of bye-laws to suit local conditions, but you think that the bye-laws should be framed by the Special Commissioners, or some tribunal of that kind?—By any competent tribunal; it does not much matter who frames them.

648. But do you think they should be framed by the conservators, with the approval of a superior department?—I should say if no other convenient body can be named, they might have that power, provided there was some check.

649. You would not recommend that unless they had the salutary check of a superior department?—No, I should not advise that.

650. I suppose the objection to the Boards of Conservators framing those bye-laws with such a sanction would be lessened if they were elected as you propose, instead of being chosen at quarter sessions?—Yes; as they are now chosen there might be a predominance of one particular interest, which might lead to partial and oppressive laws.

651. Do you think that the jurisdiction of the quarter sessions is satisfactory to people generally?—I have not particularly heard about that, but I should say that the whole constitution of Boards of Conservators is defective under the present Act of Parliament.

652. But have you heard of complaints of justices of the peace acting in their own case?—No, that is not a subject likely to come under our notice.

653. You object to the variation of the annual and weekly close time, except to a very small extent, do you?—At present I fancy that the annual close time is fixed on sound principles.

654. Are you aware that very great complaints are made with regard to the non-existence of a power to vary the close time?—We have not much occasion to deal with that matter, because we have no jurisdiction on that subject.

655. But if you knew that a great many petitions had been presented to the Home Office, especially from the south and south-west of England for power to vary the close time, would that affect your views?—I should say that if there were a great many petitions, and if they were apparently from important departments, or bodies, or individuals, those cases should be inquired into by some one.

656. You are not aware that very great complaints are made from certain quarters, and very strong pressure brought to bear, it being stated that certain rivers are really almost ruined by the uniformity of the close time?—No, I am not aware of that.

657. With regard to the law of nets, do you think that might be left to the bye-laws?—Yes, I think so; if there is the power of making bye-laws, I think that is a very proper subject to be included in those powers.

658. You do not think the Salmon Fisheries Law Amendment Bill of this Session was worth a great deal, do you?—It was worth nothing at all, I think.

659. One great defect, you think, was that it did not continue and increase the powers of the Special Commissioners?—That was, if you like so to put it, decidedly a defect.

660. But

660. But in that there was a power to make bye-laws, was there not?—Yes, I fancy there was near the end of the Bill.

661 You read the Bill, I suppose?—I glanced over it.

662. And you expressed so decided an opinion having only glanced over it?—Yes; it is quite competent for anyone to express an opinion of a Bill just by glancing over it.

663. I should imagine that a glance at that Bill would have shown any person who sought to know, that clause 20 did give power to make bye-laws pretty much in the way that you approve of?—There was a power of that kind.

664. It was not worth having, I suppose?—I do not think, under the present circumstances, it is the kind of thing that is sufficient.

665. And an increase of the powers of the water bailiffs, that you advocate, do you not?—Yes.

666. That was given in the Bill, was it not?—To a very small extent.

667. One month instead of 24 hours, was it not?—That is not a power to traverse the banks of rivers.

668. I think I gather from your evidence that you are strongly in favour of additional legislation, and you think that it is necessary for the preservation of the fish?—It is not merely necessary for the preservation of the fish to have additional legislation, but it is necessary in order to make any further progress.

669. Supposing that the additional powers which you recommend are conferred upon some special tribunal, do you think that that special tribunal would be for any very long time engaged in performing the duties which you would impose upon them?—No, I think not; it is merely preliminary work which must be got through in a certain definite time, because the number of weirs is a fixed quantity.

670. Upon that ground you think that we might justify ourselves to the public in retaining two bodies, the Special Commissioners and the Inspectors, with regard to this fishery legislation?—Parliament may justify itself to the public as it thinks proper. I have nothing to do with the question of justification, I am merely stating the reasons why I think legislation is necessary.

671. And you decline to assist us by giving any grounds for our justification?—I think I have given the Committee ample grounds; there is the great injury to all the parties who have had property taken from them without compensation.

672. You agree, I suppose, that the great desideratum is to secure to the fish free access to and egress from their spawning beds?—Yes, undoubtedly.

673. And you think also that the upper riparian proprietors should be protected, and that if they are not protected and secured a fair share of the fish, they cannot be expected to preserve it?—I say I think it is the duty of the Legislature to restrict both the upper riparian owners and the public in every way they think necessary, in order to keep up the supply for the future; that keeping up the supply for the future is the paramount object of the Legislature, and they are entitled to put restrictions on every individual, whether the private owner of a mill or a member of the public, in order to secure that object.

674. And you might add to that object, the increase of employment for the people?—Yes, that would follow as a necessary consequence, if there were more fish, there would be more people employed in catching them.

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675. If, in following out that desirable object, you interfered with the milling interest, which always gives a deal of employment to the people, there might possibly be, under the existing order of things, a conflict of public interest, might there not?—Yes; but I have stated the reason why I think there cannot be any conflict of interest; it is an entire delusion.

676. You found yourself, in saying that, on the fact that in the proposal which you submit to Parliament to facilitate the passage of the fish, no real injury could be inflicted on the mill-owners?—I should say it was an impossibility.

677. Mr. *Lowther.*] In your last day's evidence, you stated that a man set up a dam 10 feet high; is that the usual height of a dam?—No; the dams are of all heights, from two feet up to 10 feet; some are, I dare say, more. I should say that the height of dams, for milling purposes, is about from two feet to 13 feet. I never met with one 30 feet, but I think that 13 or 15 feet would be sometimes found.

678. How high can a salmon get up when he jumps?—I do not think that the Legislature has any business to expect a salmon to jump more than three or four feet high.

679. If he had good ground to jump on, could he not jump higher?—Yes, but it would be unfair to expect every salmon to jump higher.

680. According to section 23 of the Bill of 1861, a proprietor, with the consent of certain persons, may attach fish passes to existing dams; I think I understood you to say, that you did not know of any application having been made to the Home Office for that purpose?—You will find that in the last four years there were only four instances.

681. In page 34 of the Report of the Commissioners of 1861, they say, "We do not indeed propose to deprive the millowners of their right to take fish by any legitimate means, in waters adjacent to their mills, to which they may be entitled"; is that in accordance with this recommendation to prohibit fishing in mill-ponds?—I do not think there is any prohibition with regard to fishing in mill-ponds; there is certainly not anything in the Statutes about it.

682. Now with regard to rivers, is it the fact that in law the ownership of a river goes *usque ad medium filum aquæ*, or where do you consider that ownership reaches to in a river?—To the middle line of the water.

683. That is measured out in the Ordnance map, is it not?—No; it varies with the state of the water; you must always follow the middle line of the water, and that measures the right of each riparian owner; that is the extent of his property.

684. Do you know what Lord Chief Justice Cockburn said on that subject?—I think he quite agreed with me on the subject; I do not think he could differ from me.

685. You are of opinion that a tidal river gives the public a right of fishing?—Yes, at common law; but as I have said before, there are many exceptions in England. I recollect a case near Carlisle where the Earl of Lonsdale has a large several fishery, and there are a great many other cases all over England.

686. You said that the expense of making a

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fish pass was comparatively trifling?—Yes; considering the object in view, and the likelihood of the vast benefits to result from it, I should say that the expense was very trifling.

687. You were asked a question on the last occasion when you were examined before this Committee, not exactly in my words, and therefore I will ask you in my own language; do you think it possible to give one law for the whole of England, Scotland, Ireland, and Wales, taking into consideration the amount of waters in the different rivers, and the nature and the habits of salmon in different parts of the country?—If you mean whether one Act of Parliament could be passed which could refer to the different rivers of the three kingdoms, I think it would, but as you know, there are distinct sets of Statutes now applicable to England, Scotland, and Ireland, and you must of course, if you want one uniform law, repeal the whole of those.

688. You think that one law could be made for the whole of the United Kingdom?—Yes; I think substantially one law could be made for the whole of the United Kingdom. It is true that there are some differences in the law of real property in Scotland, but that would not affect any code of laws regulating the management of fisheries.

689. No, I suppose not; but taking into consideration the amount of water, and the habits of the salmon, may the Committee take it for granted that the habits of the salmon are exactly the same in the three kingdoms?—I think that you may take that for granted.

690. In the Report for the year 1869, the Inspector says: "The Tees is a late river; the generality of fishermen do not start with their nets till June or July. They will be glad to give up the month of February altogether, and wish to be allowed to go on fishing till the 17th of September. From the reports of the Conservators I see that they think the open time should commence on the 15th of February, and end on the 15th of September"; do you think that that ought to go for nothing?—No, not at all. I should say that part of the one code of laws would contain a proviso to the effect that Boards of Conservators, subject to the check alluded to, might make any modification of the general law applicable to their own river. They might make the close season begin a week earlier or to continue a week later to suit the circumstances of that particular river, therefore any little variation of the circumstances would be met by a bye-law to that effect, but it would not alter the substantial unity of the code of laws.

691. Then you would make the general law say that the close time should begin on such a day and end on such a day?—Yes; but there would be a proviso that the Board of Conservators might make a bye-law making some alteration of that period within a certain limit, provided it had the assent, say, of the Home Office or some other authority.

692. I see that the Inspector also says, on page 79, in the Report of 1869: "It is argued with great apparent force, that it is absurd to return to the confusion which existed before 1861, and to substitute for one universal close season a different close season for different rivers; that the old system imposed difficulties on the task of preserving our rivers, to which, having once escaped them, it would be folly to recur; that the fish spawn in every river about the same time; that the same proverb, 'the first flood in May,' may be quoted for the migration of the smolts in every river; and that the habits of the salmon being similar everywhere in these two respects they must be similar, if artificial preventions were removed, in every case. My answer to the argument is a very plain one. Experience has conclusively proved that there is a difference between the times at which salmon enter rivers, and as there is this difference it is simply idle to ignore it;" you would have one general law, and a collection of little bye-laws?—That is one mode of meeting the difficulty which may be urged about some rivers geographically differing from others, and having certain peculiarities which may make a slight modification of the general law necessary. You are aware that in the Act of 1861 the Home Office at present has the power of altering the close season, and they of course act upon evidence, which would require to show that the general law is inapplicable to a particular river, and that it would be better to make some alteration.

693. What establishes a miller's legal right to a dam as against the upper riparian owner?—I have already stated that the very least time necessary to establish that right would be 20 years.

694. If there is any difficulty about establishing the right, it is to be done at the miller's own expense, I suppose?—Under any new Act of Parliament; I should say that the circumstances imperatively require the subject to be examined into by some one or other, and unless you have some provision in the Act of Parliament giving him the right to the expenses of the examination as against some one else, the consequence would be that he would have to pay his own expenses.

695. With regard to the desirability of making fishways, you have stated that you are not an engineer, but that if those passes have to be made, you said that you thought the Commissioners ought to direct the making of them?—Yes.

696. Although you are not an engineer, are the other Commissioners engineers?—We know where to find engineering knowledge.

697. You would not make a fish pass from your own knowledge alone?—No more than the Vice Chancellor would make it from his own knowledge alone.

698. But if the Inspectors were ordered to do that, they would not do it from their own knowledge alone, would they?—Certainly not; they are not engineers.

699. You delivered judgment in the Salmon Hall case; would you be so good as to refer to the last paragraph but one of that judgment: "We will make our order that the coop in its present state is legal, subject to the bed of the pass being made level with the bed of the river, the alterations to be made to our satisfaction, and further, subject to the weir hecks being wholly removed, or at least removed so far from the top of the dam as not to interfere with the passage of the fish over the top of the dam. The sum of the whole therefore is, that for the reasons stated, and in the peculiar circumstances in which the decision of the Court of Queen's Bench and the Statutes place us, notwithstanding we are clearly of opinion that the riparian owners who oppose this coop are entirely right, we must decide against them;" is not that a curious decision

cision to have come to?—That is done every day in the courts of law.

700. You delivered that judgment in 1868, did you not?—Yes, in December 1868.

701. And that judgment was printed for the use of Parliament, was it not?—It has been ordered to be printed for the use of Parliament.

702. You gave that judgment in order that it might be appealed against, did you not?—We gave our judgment for the reasons which I have stated in the last paragraph.

703. Your feelings being one way, you decide the other way?—We considered that the authority of the judgment of the Court of Queen's Bench ought to be followed by us in the peculiar circumstances.

704. They have appealed against that decision, have they not?—Yes; I believe so.

705. Who has appealed against that decision?—The riparian owners above; Lord Leconfield, Sir Wilfrid Lawson, and some others.

706. If you had decided the other way, Lord Lonsdale could not have appealed against it, I suppose?—Certainly; he could have appealed just as well, and I should say undoubtedly he would have done so.

707. This appeal will be heard in the Court of Common Pleas, will it not?—Yes; it will be heard in the Court of Common Pleas.

708. Then, if the judgment is in favour of Lord Lonsdale, can another appeal be made?—Not with regard to this particular case.

709. Lord Lonsdale in this case is called the respondent?—Yes.

710. And he is obliged to take the case as settled, as the Commissioners settled it themselves?—A draft of the case was sent to Lord Lonsdale's solicitor, in the usual way, in order that any alterations might be made by him.

711. Are you aware that any alterations were attempted to be made?—Yes; a great many alterations were adopted, and some were not accepted.

712. Who decided the case of Rolle *versus* Whyte; was it the Court of Queen's Bench?—Yes.

713. You have stated that 20 years' enjoyment would give a good title to a millowner?—No; I say that is the very minimum time.

714. It would not give a good title to a millowner if he had 20 years' enjoyment, you think?—He could not possibly get one before that.

715. We will assume that 20 years gives a good title to a millowner as against a riparian owner with regard to floodage and the use of water; would not that equally extend to any injury which a riparian owner would sustain in his fishery, within the limits of the floodage?—I should say it would, as against that particular owner, because he would be naturally supposed to have his attention directed to some specific injury, and it is fair to suppose that if he does not interfere within 20 years to stop that, he must be taken to have given an implied grant to the owner of the mill; but that would not apply to the riparian owners further up the stream, I think.

716. Then do you think that the fishermen in an estuary, or in any of the public waters, could bring an action against the millowner for injury caused by preventing the fish passing over the dam?—That may be a moot point; it is quite clear that his right of public fishing may be utterly ruined by such a mill-dam, and it is natural to suppose that there must be some remedy.

717. I think you stated in your answer to Question 98, that the Commission was put in motion by some local parties; you were asked, "I suppose the Special Commissioners were put into operation by the local Boards of Conservators throughout the kingdom applying for their opinion and advice?" and you replied, "Yes, the advice of the Commissioners has often been asked with regard to collateral matters," and so on?—That was a complex question. In the first place we are put in motion, to some extent, by obtaining information on a particular subject, over which we had jurisdiction, that is to say, suppose a person takes a great interest in a particular river, he might send a list of things, which we might inquire into, and in that case we are put in motion by him.

718. Who put you in motion on the Ribble?—It was the Board of Conservators, in the usual way, I think. We always apply to the secretary of the Board of Conservators for a list of all the fixed engines in his particular district, and he generally sends us such a list, and then we act on that list by issuing summonses to the particular owners and occupiers of those fixed engines.

719. I think you claimed jurisdiction over the Clitheroe mill-dam, on the ground that the mill-dam was such as facilitated the catching of salmon?—I think I stated we obtained certain information from the Board of Conservators with regard to the particular effect which this dam had upon the fisheries, and the mode in which it was used to facilitate the catching of fish. Then the question arose whether that was a case within our jurisdiction, that is to say, whether it was a fishing mill-dam within the meaning of the Act of Parliament; that was a question for us to decide.

720. But your opinion was not accepted, was it?—The Court of Queen's Bench differed from us.

721. Do you know what Mr. Garnett's expenses were?—It is scarcely possible that we should know anything about them. You are probably not aware that a person may run himself into any amount of expense in litigation; he may go and employ a counsel, and give a thousand guineas; some actions will cost, perhaps, 1,200 *l.*, and another action, which very likely is just as important, will cost 120 *l.*; it depends so much upon the fancy of the person conducting the litigation.

722. But you yourself have no particular knowledge of Mr. Garnett's establishment; you do not know what his machinery may be worth?—Not the least.

723. But you have visited the place, have you not?—Yes; it is a large establishment.

724. And there are large interests connected with the efficient working of the mill, are there not?—No doubt.

725. But you are rather of opinion on the whole, that the milling interest should give way to the salmon interest, are you not?—No, not the least; I say that they do not come into collision at all.

726. Who put you in motion upon the River Tees?—The secretary of the Board of Conservators, I think.

727. You summoned the owner to produce all his title deeds, did you not?—No, we did not summon

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summon him to produce anything; we must summon him to appear.

728. Will you kindly look at this (*handing a document to the Witness*); that looks very like it, does it not; what is that signature?—That document has been very likely sent by one of the parties; we had nothing to do with it. We have the power to issue subpœnas, just like any other court; that is the signature of one of the Commissioners.

729. There is a large list of title deeds required to be produced, is there not?—In every case in Westminster Hall you will find subpœnas of that kind issued by any person who wishes to call a particular witness; he goes and gets it at the office of the court, as a matter of course; that is incident to every court.

730. But the man summoned is not obliged to appear, is he?—Certainly; because that is one of the incidents of a court of justice that the witness is bound to appear; that summons was issued at the instance of his opponents I daresay.

731. *Chairman.*] It was issued at the instance of the Board of Conservators?—Yes; I do not suppose I ever saw it before; that kind of summons is incidental to an inquiry in the Commissioners' Court, as it is in any other court of law.

732. Mr. *Lowther.*] But the gentleman is required to produce all the title and other deeds, accounts, plans, documents, and all books, papers, and accounts in anywise relating to the said fishing mill-dam, or any payment made by him, or those under whom he claims the title, showing any expenditure in altering, maintaining, or repairing the dam?—If the subject had been inquired into in a county court, or in any of the superior courts, they would issue notices of the same form.

733. You ordered Mr. Surtees, in your judgment, to make a large opening in that mill-dam, did you not?—The size of the opening is mentioned in the order, I think.

734. Did you find that it had existed in the same form and shape for a very long time?—Yes; I think it was proved that it had existed for a considerable time.

735. When this opening was made it would of course diminish the milling power very much, would it not?—Not in the least; it was a kind of weir in which a large opening might be made without interfering in the least with the miller's supply, because it was a very small mill, and therefore a very small supply of water would work it.

736. Did Mr. Surtees take away the locks which were there?—He has taken them away now, I think. He did it some time after the Act of 1861 passed.

737. And he left a large opening for a pass?—There is an opening now.

738. In the weir?—In one of the old fish locks or boxes.

739. Is it on the mill side, or is it at the other side?—At the other side.

740. On one side?—It is only on one side; there is only one opening.

741. Did Mr. Surtees have to alter his wheel?—I think that the wheel has been altered; that was his own affair.

742. I suppose that he found there was a change in the water which made that alteration necessary?—I believe that he substituted a much larger wheel.

743. You do not know, of course, what that may have cost him?—No.

744. But you have been there more than once, have you not?—Yes, I have been there several times.

745. That alteration was undertaken rather under your own superintendence, was it not?—There are some alterations which have been made recently, and there are some which are now proposed to be made.

746. What are those alterations which are now proposed to be made?—Certain alterations in the interior of the opening, which has existed for the last two years.

747. Why are the alterations being made now?—To enable the fish to pass up the river.

748. When that was done before, it did not answer, did it?—No.

749. Why not?—Because the fish can only swim through a certain velocity of water.

750. The water that came down was too strong?—Yes.

751. Was not Mr. Cail, the engineer of Mr. Surtees, present when you were there?—Yes, I have met him.

752. In what year was that?—I suppose it was two years ago; I have met Mr. Cail quite recently.

753. He was present during the time, and he and you were talking about these alterations, and he agreed to them; in fact you all agreed to them. You met Mr. Cail two years ago, you said?—Yes.

754. And then these alterations were made?—I think it was two years ago; certain alterations were made at that time, and I think Mr. Cail was present.

755. And those alterations have not been satisfactory, have they?—Not quite.

756. Have they been at all satisfactory?—They have been so far satisfactory that, by a slight alteration yet to be made, the thing, I think, may be made perfect.

757. I understand from your evidence that those alterations which were made two years ago were made under your superintendence?—No; that is not a correct mode of expressing it. The alterations which are now made were suggested by the owner of the dam as a substitute for the original order, and we, taking into consideration that those alterations were very likely to give an improved opening, to secure the passage of the fish, said that it was a very proper thing to try the effect of it, and this trial was made, and at present it has not succeeded.

758. You allowed that trial to be made, believing that the alterations would answer?—We believed that they were in the right direction.

759. Mr. Surtees did not object, did he?—He proposed it.

760. And you adopted it?—Yes; we thought it was a very proper proposal, and we advised the Conservators to agree to it.

761. It is not successful, you say?—It is not.

762. And now Mr. Surtees has got something more to do?—There is some further alteration necessary to make it successful.

763. Your visits there must have been rather expensive to Mr. Surtees, must they not?—He did not pay for our visits.

764. But you bought experience at his expense, did you not?—We did not buy our experience

experience at his expense any more than at any other person's expense. He proposed a certain thing, and said that it would have such and such a consequence. We (looking beforehand) thought it was calculated to produce the effect which Mr. Surtees intended, and, at all events, that with a slight further alteration it would do so. The alteration was carried out, but so far as it has gone it has not succeeded, but it will, no doubt, succeed with some further alteration.

765. What is that further alteration?—It is to do something in the interior of the fishway.

766. What is that something?—If I had a plan of it here, probably I could show you.

767. Do you recollect how far back these title deeds of Mr. Surtees would begin?—There were a great many very old documents produced. I do not know how you can call them his title deeds; they were produced from the registry of the Court of the Cathedral of Durham; they are old documents of the county.

768. You gave judgment upon the question in Mr. Surtees' case, did you not?—Yes, we decided the case.

769. Do you not think that Mr. Surtees might have got that case settled at the assizes?—I really do not know what you mean by that.

770. Was not this case brought up to the Court of Queen's Bench?—Mr. Surtees gave notice of appeal, but, as I have stated before, he made some proposal by which he thought the whole thing might be carried out to the satisfaction of both parties, and which, so far as it has yet gone, has not satisfied the parties.

771. Your board consists of a barrister, a naval gentleman, and a military gentleman?—Yes.

772. Must one of them be a soldier?—No, I think not.

773. Do you think that a soldier, or a sailor, has a good deal of knowledge of these intricate questions of law?—I think you are just as likely to know that as I am. All I can say is, that they have an abundance of common sense, which is very necessary in those things, as well as in other things. It is not necessary that all the persons forming the Commission should have a knowledge of the law, but it is necessary that they should have a great deal of common sense.

774. In looking over the reports of the inspectors, I think you very often do not quite agree in their opinions; do you know and see very much of them; do you meet and discuss matters connected with the salmon fisheries?—No, I have not had that advantage.

775. You do not compare ideas?—I do not see that that bears on the laws which relate to our duties. Discussing the habits of the fish would not throw light upon the law at all.

776. You have stated, that you have inquired into more than 300 cases of fixed engines?—Yes.

777. Are there not such things as putchers?—Yes.

778. What is a putcher?—That is a fixed engine, or rather it is one, perhaps, out of 150 or 200; we should call a rank of putchers a fixed engine, as well as each putcher.

779. Who puts them there; is it the fishermen?—I suppose it is those who are entitled to put them there.

780. Do you find that great landowners collect fish by them?—Yes; those are just the persons.

781. Not small fishermen?—No; they have no right to collect them; they do not do it.

782. The landowners adjoining the Severn, for instance?—Yes.

783. The Duke of Beaufort?—Yes.

784. Had the Duke of Beaufort to produce his title deeds?—Yes; he had to produce his titles like other persons; there is no particular mystery about it.

785. And he had to employ a legal adviser, I presume?—I do not know that; he pleased himself with regard to that; he proves his case like other people.

786. You can easily understand that it cost him a good large sum of money, can you not?—I suppose it cost him a little money, just as it costs other people money.

787. There are licenses that are granted for fishing, are there not?—Yes; there are license duties, leviable on all fixed engines in fishing districts.

788. The Duke of Beaufort would contribute to putting the action in motion against himself in his own waters?—We do not go down at the expense of the Board of Conservators at all; the Legislature appoints us to perform those duties, and of course we are just as much public servants as the judges, and they do not go down at the expense of the suitors to try cases, nor do the Commissioners.

789. There are many cases on the Severn that you have not inquired into, are there not?—No; I think they are all tried except one or two belonging to the Crown.

790. I believe that you have held inquiries in Yorkshire?—Very few; only one, I think.

791. If you take the Tees district, that is partly in Yorkshire, is it not?—Yes.

792. And in the Derwent?—We have held a sitting in the Wharfe district.

793. And in the Swale?—That is all in one district.

794. You have settled a good many cases of fishing weirs, have you not?—Yes.

795. And you have still a good deal of business on hand, have you not?—Yes.

796. Have you ever made any kind of calculation how long it may be before you get through your duties?—No; I have not made such a calculation, because of the difficulty in ascertaining the number of those cases; in fact, we have no means of ascertaining the number of the cases except by and through volunteers, in many instances, and therefore we are not sure that we are in possession of all the information as yet, but we have a good deal of information with regard to the cases that have not yet been tried.

797. You do not know how long you are likely to be occupied on the trial of the cases?—I do not know that we could say exactly how long they might last.

798. Colonel *Edwardes.*] You have stated that you have had several cases in the Severn; have you been further west than that; have you tried any cases in South Wales at all?—No; I think we have not tried any cases in South Wales; but I think there are some to be tried there; I do not think that we have been further west than the Usk district in that direction.

799. In what district are those cases, in the

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Teivy or Towy?—In one or other of those districts there are one or two cases to be tried.

800. With regard to the close time, you have stated that you thought the same time would be applicable for all rivers, a marginal power being given to some one to alter that time, subject to an appeal to some Superior Court; do you think that the same close time would be applicable to the rivers down in South Wales and the Tweed and the Tay in Scotland?—That is a subject that has not come under our cognizance; we have had no statistics on that subject; we have heard people make remarks, but we have had no occasion to form any opinion on the subject.

801. You can give no decided opinion about it?—No.

802. Do those fish-ways that you recommend require a ladder in all cases to be attached to them?—Ladder is a somewhat ambiguous word; a fish-way of any kind is, in a certain sense, a ladder.

803. But would not a ladder act without opening the crest of the dam?—A proper fish-way is very much the same as what is commonly called a ladder; a ladder is merely a figurative expression; it merely means that you conduct the water by certain stages from the higher to the lower level.

804. They used to be in a zig-zag shape, did they not?—Yes, that is the usual shape.

805. With regard to the height that the fish can jump, your own impression is that a salmon could not leap more than two or three feet?—There are clever salmon that will jump six or seven feet, but if you want to legislate for the passage of fish generally, you must consider the halt, the blind, and the lame as well as the clever ones.

806. You do not think that the height which the fish can jump is regulated by the depth of water from which he jumps?—If that were true I suppose the fish would jump over the moon.

807. You do not agree with a passage in the Seventh Report of the Inspectors, from which it might seem natural to infer that a formula could be framed for calculating the increase of the jumping power of the salmon in proportion to the depth of water from which he jumps?—No; no doubt a fish will jump higher out of a considerable pool of water than it would out of three inches of water; to that extent it is quite correct, but carried further than that, it is quite wrong.

808. Mr. *Hambro.*] Is there any engineer employed at present to assist the Commissioners?—No.

809. Have you not heard it stated that there is one engineer employed by the Government to assist the Inspectors?—I never heard of it.

810. Would you recommend that such an officer, or one of the Royal Engineers, should be appointed to assist the Commissioners?—I think it would be a very proper thing that an engineer should be appointed to assist the Commissioners to carry out the object of the Legislature. They used in Ireland to have an engineer attached to the Commissioners, who used to settle all minor points of an engineering kind.

811. *Chairman.*] What is the name of the gentleman who is connected with the Board of Works in Ireland?—Mr. Gray, a civil engineer in Dublin.

812. Mr. *Hambro.*] If you propose that any alterations shall be made in a weir, you are forced to leave it to the owner or proprietor to get the plans made himself, I suppose?—He might do so; there is no harm in that if he knows any engineer whom he particularly wishes to employ.

813. Whom would the Commissioners rely upon for scientific information?—If the Legislature did not provide an engineer to advise the Commissioners we should of course take the advice of some one. There is no other means of carrying out the Act of Parliament; that is to say in very difficult cases which require any extra assistance.

814. You have mentioned that, in any new Salmon Act, no fishing should be allowed within 100 yards of a weir?—Yes.

815. Now I find, in the Report of 1864, that the magistrates refused to convict in a case of fishing within 50 yards of a weir, because they stated that there was no possibility of arriving at any conclusion of what was 50 yards?—I can only say, that the justices must have been very weakminded men indeed.

816. There are some cases where fishermen take the nets round, while they themselves are standing 50 yards below?—I should say that the justices, with a little common sense, might solve a difficulty of that kind. The substantial thing is, whether a person is fishing within 50 yards of a weir or not; any man can solve a question of that kind, if he has any common sense.

817. Do you think that it would be better to allow no fishing nets below the weir, unless there was a fish pass?—I think there should be no netting.

818. You think that there should be no netting at all in the pool below?—I think not, because the necessary effect of every weir is to stop the fish for a considerable time; a good deal of time would be spent before the fish found the passage, and they are at the mercy very much of anybody who chooses to fish at that spot.

819. Are there dams or weirs, under the present law, that do not come under that definition at all, which are fishing weirs in fishing mill-dams, but which still facilitate the catching of fish?—All dams facilitate the catching of fish, in this way, that if the fish cannot pass over them, they are stopped, and have to wait there.

820. According to the Act of Parliament, the fishermen have not the power to fish close up to the dam, have they?—No; nobody has the power to fish, unless there is a fish pass over the dam. If there is no fish pass over the dam, nobody can fish within 50 yards of the dam.

821. You have spoken about raising the crest of the dam; would it not be against the law to raise the crest of a dam?—No, not the least; where you do an injury by raising the dam, it would be against the law; if you raise it in order to do an injury to a neighbour, of course it would not be legal; but if you make an alteration, in order to remove an injury, that is perfectly legal.

822. You have spoken of a separate fishery. Where a claim is made for such a fishery, have the Commissioners the power to inquire into the right of that separate fishery, or would the public have to go to law?—The Commissioners have only that power where it bears on a particular question which they have to try, therefore if it does

does not bear on that question the public must go to some other court to try it.

823. In the case of a separate fishery, where there was no dam in use across the river, within a certain period the Commissioners would not act?—The Commissioners could only inquire into it, so far as it bore on the question as to a particular thing, which the Commissioners were inquiring into.

824. That particular thing would be a separate right, would it not?—A fixed engine fishing, mill-dam, or a fishing weir; if there is none of those things, the Commissioners have no right to inquire into anything.

825. You have spoken about fish passes being put upon the weir, if the miller could prove that those passes could do no harm; do you know any case where a fish pass has been put up against the remonstrances of the miller?—I am not aware of any such case, but that is a matter for the Home Office; it does not come into our department.

826. You showed a plan of a mill-dam in the course of your evidence, at Question 139; do you suppose that if the riparian owners above a dam, such as you describe, did not knock down the dam on account of their poverty, and you did not go to law for them, there is any public authority who would interfere in such a case for the public good?—No, none at all.

827. Do you think that such a power should be given to the Commissioners to act for the public good?—I say that that power should be given to some people; I do not care a straw whether it is given to the Commissioners or not.

828. Do you think that there is less protection to the public under the clauses of the Acts of 1861 and 1865 than there was under the old Acts of Parliament, which were repealed?—To a certain extent there is; so far as the weirs are concerned, a great deal less.

829. You have mentioned the different kinds of nets, the drift nets and draft nets; which do you consider to be the most destructive, the drift nets which are set out in the sea, and which do not reach the bottom, or the others?—I believe in some districts the drift nets are complained of chiefly on account of their great depth and length.

830. They do not go down to the bottom, do they?—No; they only go to a certain depth below the surface, but the great extent of them is complained of in some districts.

831. You have made one objection to the manner in which Boards of Conservators are now appointed; is that your opinion only, or is it founded on any general objection?—It is founded chiefly on this, that the Board of Conservators is an unweildy number of members, and that it is difficult to get those members together. And there is no care taken that they may not have some predominating bias or interest adverse to the general good.

832. You have not heard that such appointments are generally complained of, or heard it stated that they failed to act efficiently, I suppose?—No; because that is not a subject that would come under our notice.

833. You have referred to the 4 & 5 Anne, c. 8; that Act of Parliament applies to the rivers within the counties of Southampton and Wilts, does it not?—Yes.

834. Do you suppose that that means the Southampton river, or the Avon, which rises in Wiltshire; there is no other river in Wiltshire, is there?—There must be some river corresponding to what the Act of Parliament described.

835. Do you imagine that the Act of Parliament applies to navigable rivers?—I do not think that there is anything to show that it is confined to navigable parts of the river, for it mentions rivers without saying navigable rivers; I should say that the word "river," if used, means *primâ facie* the whole of the river, from the source to the sea.

836. Among the engines which they legislate against by the 4th and 5th of Queen Anne, it is said that "they shall not make use of any nets, pots, racks, hawks, gins"; are you aware what those racks are?—No; I have no particular knowledge of them, except that it is some device evidently placed in the scuttle or hatch to catch the fish.

837. I believe that those old Acts of Parliament only applied to certain rivers, such as the Avon and Severn in the south of England, in regard to engines for facilitating the catching of fish?—Yes.

838. Those racks are not licensed in any way under the new Acts of Parliament of 1861 or 1865, are they?—If they catch fish, and are attached to a fishing mill-dam, of course they ought to be liable to a license duty.

839. They are very peculiar engines, which I have not heard of anywhere else; they are put down in the open sluice to prevent the fish going up the river; an artificial flood is created, and then the net is drawn round the bottom of the weir, and the fish are inclosed?—Yes; they have evidently been used on that river, otherwise they would not have been mentioned in the Act of Parliament, and very likely they may have been used in some of the neighbouring rivers in the south of England.

840. Would you recommend that they should be included among the list of engines that should be taxed?—Decidedly, if they catch the fish they should be taxed; it depends so much on the circumstance of the place, and so on, where such a thing is used. If they were used for the purpose of facilitating the catching of fish, I think they ought to be made to pay a license duty in some way.

841. In fact, you think that all that was good in the old Acts of Parliament should be revived in the new Act of Parliament?—Yes; if the substance of it was re-enacted, that would very likely meet the whole difficulty.

842. Colonel *Amcotts.*] Is it your opinion that a pass can be put to most weirs without interfering with the milling power?—Yes; that is the substance of my opinion.

843. Therefore, you do not think that the fishing interest and the milling interest really conflict?—Not in the least.

844. Mr. *Whitwell.*] In your investigation with regard to the past history of the law, do you find all the Acts of Parliament agreeing in prescribing a similar period for the close time?—No; there have been several variations on that subject; there was the first Statute of 13 Edward 1, which prescribed a certain time, and then soon after there was a variation made with regard to the Yorkshire and Lancashire rivers, and then there were a good many subsequent variations from time to time; and at last the power was given to the justices to make further

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alterations, so that the close time has not been at all uniform.

845. If the Committee require it, would you have any difficulty in putting in a statement in writing, showing the variations in the close time, from time to time in the different statutes?—Not the slightest; I could embody that in a short statement, but, of course, when I came to the statute which conferred the power on the justices to alter the close time, I could not tell what the justices had done in each particular county, but I could give you all the general enactments bearing on the particular close times.

846. May I ask you whether there is not a distinction in several of the old Acts of Parliament with regard to fishing weirs and milling weirs?—No; I do not think there is any distinction; the great characteristic of the weirs was in so far as they hindered the passage of the fish; I do not think that in any other respect there is any difference.

847. Was the distinction between the fishing weirs, or fishing mill-dams and other mill-dams introduced in the Act of 1861 for the first time?—Yes; there is not such an expression as fishing mill-dams in any law before that date. That was introduced simply as a short word for describing that a particular dam is used for a two-fold purpose, so that instead of using 10 words you use one word.

848. It is a new definition introduced into the legal phraseology of the subject?—It is a description rather than a definition.

849. If any of the old Acts of Parliament were revived, they would have to be revived with an explanation, in order to make them apply?—Yes; of course if you think of reviving old Acts of Parliament, the best way would be to re-enact the substance of them in modern language, because some of the old language is very obscure and doubtful, but there is no difficulty in re-enacting an old statute in modern phraseology.

850. With regard to the rates proposed to be levied for the purpose of supporting the fishery boards, and the expenses incident to them, I think you said that in Scotland the valuation for the poor rates was taken on the fisheries, with an addition of 10 per cent.?—In Ireland that is so; in Scotland they would value the fishery as a separate property, because, as a general rule, a fishery in Scotland consists of some fish weir, or some stake net; it is not so much valuing the land as valuing a specific engine, which produces a certain rental per annum, which is generally let to tenants at a certain rent, which would be taken to mean *primâ facie* the yearly value.

851. Who are the parties who assess the rate in Scotland?—There is a Valuation Act; there is a kind of general mode of valuing property in Scotland, which does not exist in England; I think the county justices appoint the valuer, who values the whole of the property in the county; it is not done as we do in England, where each parish has its own particular valuation, and so there are two or three kinds of valuations; but in Scotland it is all done in a uniform manner.

852. Who makes out the list for the fishery rating?—Those who make out the valuation of the property of course have the items for the fishery rate; there are the separate tenements or separate property yielding certain rents.

853. I suppose the Board of Conservators collect it?—No; I think the rate is collected in the same way as the police assessment; there is a reference in the Act of Parliament to a general rate, which applies all over Scotland; and reference is made in the Fishery Act to that same mode of recovering the rent; but that is mere machinery. The best way in England, I should say, would be to imitate the way in which local boards of health collect their rates; there is no difficulty in that; it is well understood all over England.

854. At present, as the management and carrying out of the fishery regulations in this country stand, there are two distinct boards, with separate actions, namely, the board of Inspectors, and the Commissioners' board?—That is so at present.

855. I understood you to say in a previous answer, that the Commissioners and the inspectors have no communication with one another except in these documents?—They have entirely distinct duties; the duties of the Commissioners are all prescribed by the Act of Parliament, and of course the main duty is the duty of trying the legality of these engines, and as incidental to that, collecting the necessary information to enable us to do so.

856. The Commissioners are in fact judges appointed by Parliament to ascertain the legality of the engines, and also the mill-dams and obstructions?—Yes; to form a kind of inventory of all existing legal things for catching fish, and of course to put an end to illegal things.

857. Does the Commission of the Queen appointing the Commissioners in any way refer to the clauses of the Act of Parliament?—Her Majesty's warrant simply states that it appoints A and B special Commissioners for English fisheries under the Act of 1865.

858. *Chairman.*] Without defining their duties?—Without defining their duties.

859. In fact, Her Majesty has no power to dispense with or enlarge the Act of Parliament?—No.

860. Mr. *Whitwell.*] The warrant appoints individuals to act as Special Commissioners for English fisheries under the Act of 1865, supposing, of course, that they know all that the Act of 1865 prescribes?—Yes, that is so.

861. But you have stated that you felt called upon to communicate with the secretaries of the different Boards of Conservators to ascertain whether there were any illegal structures?—Yes; we must have such information before we can issue proper notices, to enable those things to be dealt with; we must give a month's notice generally to individuals who claim to be the owners of those things; and in order to issue those notices we must have the names and the places where the things are situated.

862. In fact the Commissioners really do institute the proceedings upon which they must themselves decide?—That is inevitable. They so far initiate the proceeding, that on the information of some person who is supposed to have that information, the Commissioners issue a notice appointing a time for a specific inquiry, and giving notice to the parties interested.

863. The Commissioners having previously made an inquiry, decide beforehand, whether the case is one which is proper for them to inquire into?—No doubt, because as a matter of course there can be no possible doubt with regard to the fixed engines, for instance; there can be

e no doubt that all that is required to be known s to these is who is the owner of them, because e have jurisdiction over the owner of the fixed ngines; and then with regard to a fishing weir, e have simply to ascertain what the object of ie weir is, and if we are told that it is put up r the purpose of catching fish, we have no ifficulty in concluding that that is one of the ery things that we are appointed to try. With gard to fishing mill-dams, there is this diffi- ulty, which we experienced in Garnett's case. here is a little looseness with regard to the de- nition, and we must make some little inquiry eforehand, in order to see whether it is a case ver which we have jurisdiction or not.

864. But in such cases the Commissioners have *priori* decided that that case is one which ought come before them?—Do you mean that in suing the summons they precluded themselves om afterwards changing their opinion?—No, iat does not happen at all. It often happens iat we send out summonses, and that when we me to try the case we find it is not within our risdiction, and we act as the justices do in petty ssions, we decline to decide it.

865. But in petty sessions no one looks to be mmoned before a magistrate on the chance of a ing being illegal?—Yes, it often happens, and ust often happen; considering that we go down the spot, it is not a great grievance.

866. But is there any other court where the dges who sit to hear a case are themselves the rties who put the action of the court in motion? -I should say that there were other cases where ch a thing has been done. I think that the ithe Commissioners and other Commissioners cide cases very much in that way, subject to appeal in a higher court.

867. I simply ask you whether you have the wer to call in question the rights of every mill- wner in the country under your commission?— o, that is a very rhetorical way of putting it. is quite open to anyone to put it in that way, ut I look upon it as a declamatory way of put- ng it. The real inquiry is, whether the mill- wner is using his mill property in some one nall particular to the injury of others. That is l it comes to; it does not mean that we are to spoil him of his goods and give them to the or. Precisely the same thing happens with gard to nuisances removal. You might as ell get up a cry that the justices in enforcing he Nuisances Removal Act had power to inquire to the legality of all the property of the country hen they merely wanted to know if the water- closets were a nuisance.

868. They must be put in motion by some one se, must they not?—They obtain their informa- on from anyone who chooses to give it them.

869. The question may be somewhat declama- ry; but I ask, is it the fact that you have the wer to inquire into the rights of every man ho has a weir on a salmon river?—Yes, if it is fishing weir, to the extent which I have stated.

870. And power to call for the production of is deeds, as was done in the Tees Fishery case, nd every document affecting his interest with gard to the mill?—For the very simple reason iat an inquiry of that kind could not possibly, ith justice, be carried out without that informa- on. It was the Legislature that gave the ommissioners that power; we are not usurping ny power.

871. I am not finding the slightest fault with the way in which you have exercised the power, but as it is proposed to extend this power, I should like to have your opinion upon the subject?—It is precisely an inquiry like what the justices of petty sessions enter into with regard to the right of an owner to keep a nuisance on his premises. All that would happen would be the issuing of an order that he should abate that nuisance.

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872. Only that the justices do not send to the parties to know whether a nuisance exists?—That is always a preliminary inquiry; they have no jurisdiction otherwise.

873. Do you not consider yourselves entitled to decide questions of fact as well as law?—Just as the justices do every day; no inquiry could be carried out without it. It is just as the judges do in the Court of Chancery every week, and all the year round.

874. Was there any particular reason for using the term, in your judgment in the Dinsdale case, "This is a claim made by the trustees of Mr. Surtees." Did Mr. Surtees make a claim in the first instance?—There is a notice sent to the party of the thing to be inquired into, and he comes and says, "I have a right to keep this thing as it is." That I should call a claim.

875. Mr. Surtees did not make a claim, but he was put on his defence, was he not?—He gets a notice that he is required to prove his right to keep up a thing which is alleged to injure the fisheries of others.

876. With regard to the 18th clause of that judgment, I should like to ask whether your decision would have been the same if the Statute of 1861 had not been passed?—Certainly.

877. In that case did the passing of the Act of 1861 make the thing illegal?—No; but the Act of 1861 did not legalise things which were previously illegal.

878. Is it not common in nearly every case where property of large value is at stake, that the question of fact is left to a jury?—There are the County Courts, and the justices, and the Court of Chancery, and I should say that one-half of the courts of the kingdom decide questions of law of great magnitude, and questions of fact without any jury.

879. But in any county court any person may call for a jury, may he not?—Within certain limits.

880. Can a millowner call for a jury under this Act of Parliament?—No, not as far as our jurisdiction is concerned.

881. I mean as far as questions of fact are concerned?—No.

882. Do you think it would be an improvement that the question of fact should be decided by a jury?—With regard to questions of fact as to the legality of an engine, there is no need for a jury; they are questions of inference of law from facts which are not disputed. Anybody can tell you, without a jury, that a weir exists of a certain height, and the proper inferences to draw from the deeds relating to that dam are questions which would not in any case be left to a jury; the facts are so simple that no person could possibly dispute the facts. There never is any dispute with regard to the broad facts.

883. I can quite imagine that there may be facts upon which your colleagues who are not lawyers, but men of excellent practical common sense may, and I fancy that they do, in that case act as a jury would do, but would there be any ob-

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jection if the Commission were continued to provide that the millowners might call in a jury to decide questions of fact?—I do not see that there would be any objection (only it might make litigation a little more expensive), on the contrary, I think it would perhaps be an advantage.

884. You have stated that the Court of Chancery do not call in a jury, but you do not consider your jurisdiction a branch of Chancery proceedings?—I do not think that the country would congratulate us if we did; the Court of Chancery is not so very popular. I merely gave that as an instance that it is not always necessary that a jury should be called in to decide questions of mixed law and fact.

885. Now, in case it was decided to compel the erection of fishways in every weir, on the plan suggested, what security is there to the millowner against damage that might be done by erecting that fish pass on his weir?—If an Act of Parliament were passed on the subject, there might be some provision with regard to that, but under the present law there is nothing in the Act of Parliament, so far, with respect to anything done by the Commissioners, but so far as the Home Office does anything, you will find a proviso at the end of section 10, to the effect that compensation is to be given to the millowner if any prejudice results from any injury done in putting up a fish-pass.

886. By whom is that compensation given?—By the person on whose application the fish-pass was authorised, so that the party who put up the fish-pass would be responsible.

887. If a fishery board were to order a fish-pass to be put up, and it damaged the weir, would they be bound to pay as individuals?—You are putting an imaginary case, because there is no Act of Parliament now that authorises a Board of Conservators to put up a fish-pass.

888. But suppose there were a question whether it should be one of these things which future legislation should include?—There might be some provision with regard to what should be done if any injury resulted from making a fish-way. But as you are aware, the uttermost chance of injury would be a pass of two feet square taken out of the top of the dam, and you could estimate whether there is any risk of damage or not from that.

889. But I mean on existing dams, not future dams?—Yes, I include them.

890. Then with regard to the party who should be authorized to see to its construction. In your opinion should the millowner have power to join in the appointment of the engineer?—Certainly, if he pleases. As a general rule I should say that the miller should have the making of the thing if he is willing to make it. It is only if he declines to do so that the statutes give power to another party to do it at his expense; it is only when he would not do it that we would need to take the initiative.

891. But even if it is done at the expense of the other party, should not the millowner have something to say in regard to the mode in which it is done?—Certainly, the millowner ought always to be consulted, and if he can suggest a cheaper or a better mode of doing it, then the person who has to carry out the Act of Parliament ought to adopt that mode.

892. Is not the question, on which side of the river the pass should be put, very important?—It is generally important.

893. Are you not of opinion, that in that respect, as well as in the case of the mode in which it should be done, the millowner ought to have something to say?—Certainly; in the first instance the millowner ought to have the principal say, and if he chooses to take the trouble of superintending the carrying out of the fish-way, his ideas should be generally adopted, unless they were quite at variance with what the circumstances required.

894. In the Act of the present Session it was proposed to put grates upon all inlets and outlets of water connected with a mill?—Yes, I think so.

895. Has your attention been called to that subject?—There was a clause with regard to that, I think.

896. Could you explain to the Committee what would be the especial advantages of these gratings?—In the first place, if you look at the diagram, you will find at the bottom of the tail race, that unless there is a grating there, the fish, at least for several months of the year, will often go up that tail race towards the wheel; therefore that grating would have the advantage of preventing fish going up there where they are easily captured.

897. But is it not the fact that water brings down a great deal of drift, and the grating being erected above the mill would not permit the water passing?—If the drift was allowed to accumulate, very likely it would; that must resolve itself into this, that the miller ought not to put himself to any expense to remove a patent injury to other persons, that would be a little expense to somebody for looking after it.

898. I will ask you, whether in winter it would be possible to get the self-acting valve to act properly?—That is a question for engineers. I do not see any inherent difficulty in the matter, because there ought to be a flood guard also at the inlet of the fishway to prevent ice or drift getting in, and I should think that they would sufficiently prevent any interference with the action of these valves.

899. But would not the valve be frozen up in winter?—Perhaps it would not matter whether it was or not; but if it is frozen up in winter, I suppose a good many other things are frozen up likewise in winter, for a day or two; it is an inevitable consequence of the climate.

900. You were asked whether a twenty years' user would establish a right as against riparian owners for flooding, and you answered "Yes," but you doubted whether it would establish a right against riparian owners above or below, or against the fisherman in the bay?—Yes.

901. Is there any law at present existing whereby the user is limited in that way?—No; the law of prescription assumes that a certain thing which is claimed to be legal existed from the time of Richard the First. That was the old law; the Prescription Act came, some 20 or 30 years ago, and said "That often acts unjustly upon the proprietor, and therefore we will make a new law providing that if a person can prove twenty years' user, that shall be a complete answer." But this Prescription Act only singles out some of the cases to which the old law applied, and it does not follow that the Prescription Act necessarily applies to all cases of easement; for instance, it only takes a few cases, and says with regard to some particular easements, that if a man can prove that for 20 years and upwards he has

een using that thing as a right, that would be a mplete answer.

902. You do not think this is one of the cases? -No, I do not; and for the reasons I have ated.

903. Do you think an owner at "M" (*referring to the Diagram*) has a right of action at mmon law against a millowner, if his mill obructs the passage of fish?—That is part of the me question; it does not matter in the least here a man's property is situated, whether east west, north or south, up the river or down the ver, if the necessary effect of using that proerty in a particular way causes the injury to nother.

904. In fact, your commission has nothing hatever to do, but to carry out the law that exts?—Yes, quite so.

905. The only difference is, that it is Governent (and I do not say it in the least offensively) stablishing a public prosecutor to protect the ghts of property, in fish?—That is, perhaps, ather a declamatory mode of putting it; the true ode of putting it would, I think, be thus: Gorernment finds that according to the laws of naure and the circumstances of this country, a vaiable fish exists in all our large rivers, and that the fish is an article of valuable food to the public, and that, in order to keep up a supply of that fish, it is absolutely necessary that the riparian owners should not obstruct the passage of that fish up and down the rivers; then the Legislature may well say, "We think that it is important that this article of food should be kept up, and that the stock of fish should not be extinguished, and we will put this restriction on all the owners on the banks of rivers, that they shall do nothing which prevents the passage of this fish, or hinders their keeping themselves alive."

906. I merely wish to put it in that point of view; with regard to the importance of fisheries, the importance of the English salmon is so great that Parliament has considered it necessary to establish a board to protect the rights of individuals in that fish?—In the same sense as that in which they protect the rights of individuals, by ordering a nuisance to be abated; it is precisely the same thing; a nuisance often affects only two or three individuals, and yet an Act is passed authorising local boards to deal with such nuisance, and have it abated, no matter how long the property has existed with such nuisance upon it.

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Friday, 16th July 1869.

MEMBERS PRESENT:

Colonel Amcotts.	Mr. Knatchbull-Hugessen.
Mr. Assheton.	Mr. Liddell.
Mr. Dodds.	Mr. William Lowther.
Colonel Edwardes.	Mr. Pease.
Mr. Hambro.	Earl Percy.
Mr. Henry Herbert.	Mr. Evan Richards.
Mr. Staveley Hill.	Mr. Whitwell.

JOSEPH DODDS, Esq., in the Chair.

Mr. James Paterson, re-called, and further Examined.

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907. Mr. *Whitwell.*] With regard to the advantage of the investigation under the Commissioners, you stated that there was both cheapness and saving of time in it?—Yes.

908. Will you be good enough to say what is the mode in which you usually act when you go down to a place where you make an investigation?—The first step is to get the names of the owners and occupiers of the particular things that we have to deal with, and we must then give a notice in the newspapers a month before we hold the court, announcing the place and time when the court is to be held; we must also give a separate notice to each of the parties interested, which must be not less than 14 days; then, when we go to the place, we must of course hear both parties, and the onus is thrown on the party who is occupying the particular thing, and he makes out his title; other people are allowed either to give contrary evidence or to comment on the evidence; and, after the evidence on both sides has been heard and considered, we decide the case.

909. You generally take the advantage of going to the spot to examine the place, do you not?—Yes, whenever it is at all necessary to see the thing before we judge of it.

910. Do you generally give notice to the parties interested when you visit the spot?—Yes, we generally prefer that both sides should be there when we visit the spot.

911. You would think it due to them that they should be summoned?—To be advised of the visit; I think it is not absolutely necessary, but we generally give them that opportunity.

912. How soon after your decision is given are you empowered to enter it, so that it may become a legal act?—There is no time specified by the Act of Parliament; we are very much in the position of justices of the peace, but before the decision can be enforced it would require to be drawn up regularly.

913. Is the order attempted to be enforced in the Dinsdale case?—No, it does not require to be drawn up until some party takes some step making that necessary; a person can appeal against the decision of the Commisioners without any order being drawn up.

914. That decision having been made in May 1867, it still hangs?—Yes, but that is in consequence of a proposition which was made by the owner of the dam to do a certain thing which has since been done, and the matter is not quite complete up to this moment.

915. Have appeals been entered against that judgment?—Notice of appeal was given in due time; in fact, notice of appeal was given within a fortnight after the decision.

916. But can they appeal at once?—Yes.

917. And the appeal can go forward now?—Certainly.

918. So far as the country is concerned, what are the expenses incident to these investigations which are carried out by the Commissioners?—I do not know how you would estimate that; you must, of course, make some estimate with regard to the annual sum paid to the Commissioners.

919. But, irrespective of that, what are the expenses incurred?—Merely travelling expenses.

920. I suppose the Commissioners have never had to call in any evidence, or to employ any person to assist them as engineer?—No, not to any extent. In the Dinsdale case we took the advice of an engineer upon some points, but in other respects I do not think that there is any case within my knowledge where we have employed an engineer.

921. Are the expenses of the court thrown upon the mill owner in such a case?—No, not at all.

922. In looking at the Home Office expenses, I find that there are no amounts entered for such expenses as those you allude to?—Whatever expense is necessarily incidental to the working of the Commission is authorised by the statute; what particular head it is entered under is a matter for the Secretary of the Commissioners in his book-keeping.

923. But no other expenses have been incurred by the Commissioners, except those stated in the accounts, I suppose?—No.

924. Now, would not a person under an action at common law have the same remedy as by commencing an investigation under you?—Taking the question to mean, would persons have the same remedy in an action at common law as they would in our court, possibly they may; they may

or they may not; at all events, the object of this Special Commission is to give a prompt and summary remedy. There are cases where you could have an action at common law, as well as a remedy before justices of the peace, but many people prefer proceeding before the justices, because it is prompt and summary.

925. Upon your former examination, you told one of the honourable Members that the line between a tidal river and an inland river was decided by the average medium flow of the tide; how is that arranged in Scotland?—Do you mean as between the Crown and private owners?

926. Who decides the line of demarcation between tidal waters and inland water in rivers?—There is nobody who can conclusively decide that, except, perhaps, certain Commissioners who were appointed for the purpose; there used to be great difficulties at common law in deciding it, and in Scotland it was ultimately held that it must always be a question for a jury in each particular case; but in order to get rid of that great difficulty the Commissioners in Scotland were authorised to draw certain lines, and to distinguish the limits, so as to say where the river ended and the sea began; I think the Commissioners in Scotland have defined the mouths of all their rivers with that view.

927. Then the uniformity of practice in that respect is different in Scotland from what we have in England?—There is no necessity in England to define the mouth of the rivers; nothing turns upon it. In Scotland it is very different with those rivers, for by the old statutes no fixed engine was allowed to be in a river; it might be in the open sea, but not in a river. The question thus was always one of great difficulty in Scotland, and to get over that difficulty they authorised the Commissioners to go round the country to settle the line definitely, but nothing turns upon that in England.

928. Are there rivers where the fisheries are free in the sea, and where they are close in the inland waters?—Yes, that is the only point on which it can be of any consequence in England.

929. In these respects the practice in Scotland and England seems different?—Yes, as I have already stated.

930. In the order of the Scotch Commissioners they decide the line of division between the inland and the tidal waters on the River Tweed on their side; would that decision, in your opinion, extend to both sides of the Tweed?—That turns entirely on the wording of the Act of Parliament; if the Commissioners had power to decide both the English and the Scotch side, of course they would do so, but if they have not that power they would decide only the Scotch side. But, I think, if you look into the Acts of Parliament in connection with the subject, you will very likely find that they have absolute power to define the mouth of the Tweed, whether on Scotch or English ground.

931. In the same way in 1864 a Scotch Act of Parliament decided the boundary of the Solway; that was a special Act of Parliament, was it not?—Yes, I think so; there have been several Acts as to the Solway, and great confusion now exists there.

932. Now, with regard to your Commissioners, have you only undertaken to decide questions affecting the passage of fish in connection with weirs?—No, we have jurisdiction over three things, namely, fixed engines, fishing weirs, and fishing mill dams, and nothing else.

933. You have nothing to do with the question of sewage?—Nothing whatever.

934. Then, in answering a question put to you with regard to the decrease of salmon in our rivers, you did not allude to the influence of the deterioration of the quality of the water, and the injury to the fish by that means?—I do not think I gave any reason generally why the fish have decreased. It is generally attributed to the influence of weirs and the influence of pollutions jointly; it is difficult to say which is the most injurious.

935. Is it within your knowledge that salmon has decreased in consequence of the pollution of rivers?—I cannot say that it is within my personal knowledge. I simply read the reports which everybody can read. One would naturally suppose that if a river is poisoned, the fish must deteriorate.

936. Then it seems that the Government employ at present three distinct and separate parties to deal with rivers. One, if I understand rightly, is the Inspector of Fisheries, another is the Commission to deal with fixed engines, and the third is the Commission to discover what rivers are polluted by sewage and other pernicious matters?—There are three such bodies at present.

937. Is there any communication between those three bodies mutually to aid and assist each other?—I do not think there is any necessity for it. First of all, there is the Pollution of Rivers Inquiry Commission, which has been set in operation entirely as a commission of inquiry to discover the extent of the present abuses. They have no power of deciding anything beyond that. Secondly, there is the Fisheries Commission, or our Commission, which has a distinct legal jurisdiction over certain specified things; and thirdly, there are the Inspectors, who have certain administrative duties which are irrespective of deciding any legal question.

938. But the three Boards, as you say, are dealing with the same thing in the interest of the public?—Yes, they are dealing with water in some way or other.

939. Would there be any difficulty in combining the action of the whole and putting them under one Board?—I do not see any difficulty in it, but that is a question for the Government or for Parliament.

940. In Scotland, at present, they have no expensive fishery boards, have they?—Not relating to inland fisheries. There are Commissioners in Scotland, but I think their duties are merely nominal at present; their principal duties having been discharged already.

941. Have you ever heard any complaint of the present mode of discharging the duties of the Commissioners in Scotland?—No, I have not heard of anything to that effect.

942. I find in the payments through the Home Office that there is 300 *l.* put down for the expenses of the Scotch Commissioners. I need hardly ask you the question, does that include the whole expense, because you can scarcely know; but for anything you know, does it?—I take it that there may be one or two outstanding matters to attend to, and that that estimate is supposed to cover every contingency.

943. Then with regard to the bye-laws, the bye-laws are made by the authority of the Commissioners?

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missioners?—Yes; the Commissioners had authority to make bye-laws applicable to various rivers and other miscellaneous matters.

944. I think you stated that you thought that bye-laws could be made sufficiently effective for the purpose of including the size of nets?—Yes; I think some power might be intrusted to Boards of Conservators, under certain restrictions, to make alterations in the meshes of nets.

945. Is it not the fact that in Scotland the Commissioners made bye-laws for different rivers including the size of nets?—I rather think they made general bye-laws as a kind of legislation applicable to all rivers; at all events you will find in the supplement of the last Act all that they did under that head.

946. It is the fact, is it not, that in the 31st and 32nd Vict. chap. 123, you find in the schedule bye-laws for the River Add, made by the Commissioners, relating to nets and other matters?—Yes.

947. Will you refer also to the general bye-laws in Schedule G in that Act of Parliament?—Yes.

948. Are you acquainted with those bye-laws?—Yes; they apply generally to all the rivers, with slight variations in some cases.

949. Does not that meet the case of weirs?—No; that only deals with future weirs.

950. Does the bye-law, in dealing even with future weirs, propose to make a gap in the weir?—Yes; it requires a cut in the crest of the weir, not less than six inches deep for the whole width of the ladder; that merely embodies, I suppose, what the Commissioners then thought might possibly meet the requirements of each weir.

951. But those are bye-laws and regulations now in force for the inland rivers in Scotland, are they not?—Yes; those are in force in Scotland; but I may say that those Commissioners, at that time, appear to have been under the impression that it was illegal, and that it could not possibly, in any event, be legal or possible to make a cut in the crest of an existing weir without destroying the mill. That seems to have been the impression.

952. There is no allusion to that in the Act of Parliament, is there?—You can only infer that from what they embody in the bye-laws.

953. They made those bye-laws sufficient as they thought?—Yes, they thought it would meet the exigency of the case.

954. With regard to grates in the entrance to the water flowing into a mill, and the exit of the water flowing out; in your answer on a previous occasion, you stated to the Committee that the race might be widened in such cases in order to give a greater width of water-flow?—Yes.

955. But supposing, as is the fact in many places, that there are cases where the race adjoins a public road, could you get the power, or is it likely that Parliament would give you power to enable the race to be so widened as to infringe on the width of a public road?—That could not be done unless Parliament gave such powers; but I should say it would not matter much to any public highway, because they mostly must have a space of 20 feet or 30 feet to spare on each side.

956. You propose that Mr. Rankine should describe to the Committee his plan for heightening the weir?—Yes, he will explain to the Committee how he arrived at the results which I mentioned the other day.

957. In the case of an agreement existing between a riparian owner and a mill owner, that the weir should only be a certain height, do you think that without the power of Parliament to heighten the weir, the owner of the mill could raise his weir above the height he had covenanted to keep it at?—I think I answered that question on Tuesday last; I said that if the object of raising the dam is to prevent an injury, he can do it; but if it is to cause an injury he cannot raise the dam one hair's breadth. He may raise it 50 feet to remove an injury.

958. Even if there is a covenant?—You are assuming that that covenant is with one person, but there may be 50 persons concerned.

959. You still think that if a party is bound by the covenant, with the riparian owners to keep the weir, say six feet six inches high and no higher, he can, without compulsory power, raise it two inches or three inches above that?—I should suppose that the object of the covenant was to prevent the miller raising the dam so as to flood the grounds; I have stated that to raise the weir an inch, coupled with a square hole, does not alter the level of the water, and could not possibly damage any person who had stipulated for such a covenant against floodage.

960. But that would be breaking through a specific covenant, would it not?—No; because the level of the water being the same, it is impossible that any injury can arise to any person.

961. But still it would be breaking a specific agreement, would it not?—No; the law takes no notice of trifles; no specific agreement would be made by riparian owners except with regard to floodage; I do not see what other object there could possibly be.

962. I ask you that question because I do know of two or three agreements where the height is limited?—I assume that in every case when you raise the dam you make a hole in it, and that the effect of it is that you do not raise the level of the water the 1-100th part of an inch in any way; therefore, you cannot possibly affect the covenant.

963. Mr. *Assheton.*] You stated some few days ago, you thought the present mode of constituting boards of conservators was not satisfactory?—Yes; I thought they were too numerous.

964. I understood you to say that you thought the owners of fisheries ought to have some elective voice in the matter?—Invariably, I think, the owners of fisheries and those who pay license duties, should both have a voice in the election of Boards of Conservators.

965. It happens oddly enough, that I have heard complaints that the members of Boards of Conservators are not sufficiently numerous; that is to say that they do not represent a sufficient number of people?—Exactly; I thought it would be felt that they would not be a proper representative body, that is to say, that some one interest would predominate very likely in the Board; for instance, that of the upper riparian owners as against those who fished in the tidal parts of the river.

966. You know that the number of the Board of Conservators in a case where a district extends into two or more counties, is at present fixed, so that there are no means of increasing the numbers, do you not?—Yes; that seems to be the construction of the Act of Parliament; there is this, however, to be said, that there are certain *ex officio* members of Boards of Conservators, and

I do

I do not suppose that that is affected by the restriction.

967. It has been suggested that you might meet that difficulty by giving power to the Home Secretary or some other person to increase the number of Conservators to be appointed; but I understand you to think that the better way of giving representation to a greater number of people would be by having elective conservators and giving votes to the people?—Certainly.

968. Have you paid any attention to the financial part of the subject of Boards of Conservators, with respect to the difficulty in raising money?—Yes, that is one of the very points which I paid attention to. I have suggested a rate or assessment as a proper thing in addition to license duties.

969. Has the present unequal pressure of license duties in some cases been brought before you?—Do you mean with regard to rating one engine too high and another too low?

970. No; I mean more especially with regard to the sum that a person has to pay, say for a drag net; many people feeling that it is unjust that the persons at the entrance of the river catching large quantities of salmon, should pay no more than the persons higher up the river, who catch comparatively small quantities of fish?—I have heard something about that, but I cannot say that I have heard much about it. That I think could be met by giving power to Boards of Conservators to vary the duties on engines according to the particular part of the estuary where they are situated.

971. There was some such power proposed to be given in an Act of Parliament that was brought before Parliament this year, namely, the power to make bye-laws; did that meet with your approval?—Yes, probably it would.

972. It is section 3rd of the 20th clause?—Yes; that would cover such a difficulty. They could, under that power, vary the sum according to the place in the estuary where the engine was worked. Suppose you wanted to tax a particular net higher, because it is used in a more fruitful part of the estuary, that power, I daresay, would enable the Board of Conservators to do so.

973. I was rather speaking of nets used both in the estuary and above the tide-way?—Whichever way it is, no doubt boards of conservators might very properly have the power to put a certain license duty on a net used in one part, and another duty on the very same net if used in another part of the district.

974. Then, with regard to water bailiffs, I think your opinion was, that the power proposed to be conferred by the Bill introduced this Session was not sufficient?—No, it was not sufficient, I think.

975. You think that water bailiffs should have the power at all times to inspect salmon rivers?—To traverse the banks of salmon rivers in connection with their duties; I do not think that that would interfere unduly with any person's property.

976. Has your attention been called to the suggestion that many people have made, that the size of the mesh of nets should vary at different times of the season?—I do not think that I have heard such a proposal made.

977. What is your opinion with regard to the present size of the meshes?—The present size of the mesh is a little larger in England than what prevails in Ireland and Scotland; but that was adopted after full inquiry by the Commissioners of 1860, and I am not aware that it is founded on any false principles. I should say it is a very fair mesh, and I do not think that any difficulty has arisen with regard to that size of mesh in the net.

978. No question has been brought before you in that matter?—No; it is not likely that it would be brought before us, because we have no jurisdiction whatever with regard to that matter.

979. The honourable Member for Kendal asked you some questions just now about the pollution of rivers; and he ascertained from you that there are three different Boards now in operation; that is to say, the Pollution Commissioners, the Salmon Fisheries Commissioners, and the Inspectors of Salmon Fisheries?—Yes, there are those three bodies.

980. But two of those Boards, namely, yourselves, and the Inspectors, are specially charged with the interests of salmon; and the Pollution Commissioners are more particularly charged with the interests of human beings and cattle?—Yes, that might fairly be said. I think, at the same time, you are aware that clear water is of great importance to the salmon fisheries.

981. But the first object of the Pollution Commissioners was not that of the fishery interest?—No, that was a sanitary inquiry.

982. Your attention, no doubt, has been drawn to the remedies against pollution, which are given in the Salmon Fishery Act, 1861, sections 5 and 6, taken from a fishery point of view only?—Yes.

983. Do you think that the remedies there suggested are sufficient?—No; I think they are utterly unworkable and of no use at all.

984. Are you prepared to say what alteration you would propose to make in them?—As the subject of pollution of rivers is under the consideration of the Rivers Pollution Commissioners at present, and their report is expected, I thought it unnecessary to say anything about that, because the Government has intimated that their legislation will depend very much on the result of that report.

985. If the water is made pure enough for human beings and cattle, it will be good enough for your clients, the fish?—Yes.

986. You have been asked about the weekly close time. Has your attention been drawn to the question of the desirability of altering the close time in any way?—I think that a little larger power ought to be given. It might be desirable in some rivers to extend the weekly close time a little; there should be power to regulate the weekly close time so that it should be perhaps six hours longer in the lower part of the river than in the upper part. That would all come under the head of making bye-laws.

987. But you think it desirable that there should be some power to vary the weekly close time within a certain limit according to local circumstances?—I do.

988. Do you think that the total weekly close time is at present too small?—Yes, I rather think it is; I should be disposed to extend it a little.

989. You think so; I presume in the general interest of the salmon fisheries and not with respect to the upper or lower proprietors in particular?—Just so; that is the only object that the Legislature can have in view.

990. Have you turned your attention to the point whether the common or brown trout should be included among the various animals which are

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called salmon legally?—I have not given much attention to that, but the Committee are no doubt aware that there are some provisions in the late Act of Parliament which apply to trout; but a great many of the provisions with regard to the licenses, and so on, do not extend to trout.

991. Do you not think that from the fact of trout not requiring to go to the sea, the laws applicable to sea-going fish may not be applicable to them?—I think it is exceedingly probable.

992. Now to come to your plan of cutting a nick in the weir, and then compensating the mill-owner by putting a bar on the top; suppose you have a weir, to begin with, say six feet high, so that the level of the upper part when the water is just turning over is six feet above the level of the lower water, you cut a nick two feet deep, and you put a small bar on the top?—Yes.

993. What you have gained is, that whereas you had a sheet of water, say an inch thick, running all over the weir, you have now got a volume of water concentrated into one spot?—Yes.

994. Having got the water there what do you propose doing with it?—I stated that the proper way to complete the work was to construct a kind of zigzag channel for that water, so that the water in its descent from the higher to the lower level should never attain more than a moderate velocity to enable the fish to swim up against it, and that is a kind of fish ladder such as now abounds in Ireland, Scotland, and other places.

995. Then this system does not pledge you to fit in any particular ladder, properly so called; there may be various means of treating this body of water after you have got it?—Yes, numerous ways, but that would be the general way probably.

996. It might afterwards be disposed of according to the pool system, as it is called, or the ladder system?—Yes, certainly. The important thing is to get your column of two feet square condensed.

997. There was one objection brought against this plan, that it involved a valve, and that that valve might possibly get frozen in the winter?—I do not consider that the valve is a necessary part of it at all, but there might be a valve added, and thereby get rid of the difficulty of requiring the miller to interfere with it.

998. But suppose there was a valve, and supposing that valve got frozen, is it not more than probable that it would be at a time when there was abundance of water for all purposes, and it did not matter whether the valve acted or not?—I should say it would very likely be so, at all events it would be the business of the water bailiff to look out, and very likely to go to the very spot and do what was wanted.

999. Then your system as I understand it, if successful, would solve the great difficulty during the time in which there was water running to waste?—Yes.

1000. Would it assist the matter in any way when there was no surplus water?—Yes, because there are certain times, Sundays, and so on, when the accumulation of water might raise the pond above a particular height, and then this fishway might be working during that occasional surplus.

1001. Would you not call that surplus water at that time?—Just so, that would not in any way interfere with the mill.

1002. Now, take the case of the Clitheroe mill, which has been brought so prominently before the Committee; I think you told the Committee that your decision in that case was overruled by a superior court on the ground of no jurisdiction, and not on the merits of the case?—The merits of the case were utterly immaterial. The judgment of the court was simply to this effect, that the Commissioners had nothing to say to the weir, whether it is legal or illegal.

1003. Did you view that weir before you decided upon it?—Yes, I think we saw it before we decided upon it.

1004. I presume from the decision which you gave, you had no doubt that that weir obstructed the fish?—Not the slightest.

1005. But I think you have stated that the alterations which you suggested in that weir were more as a means of giving the owners of the weir an opportunity of appealing than as being your opinion with regard to the best way of dealing with the weir?—It was partly both; the mode of dealing with the weir was such as the conservators were quite satisfied would be sufficient for their purposes, and we thought that the onus lay upon the owners to find out the mode which was the least inconvenient to themselves for meeting the same objection; therefore, though we gave a nominal decision, it was coupled with this qualification that the owner might suggest any other plan which would answer every purpose, if it was less inconvenient to himself.

1006. Do you think that your system is applicable to that weir?—Quite applicable to that weir as well as any other weir.

1007. You had not perfected that system in your own mind at that time?—I had not directed my attention much to that particular weir; it was a current belief at that time that it was utterly impossible in the nature of things to take an inch out of a weir without so far destroying the mill; that was the popular delusion.

1008. But your decision was on the assumption that the weir was an illegal one, was it not?—Yes, undoubtedly.

1009. And your system is a means of letting the fish over the weirs, that you assume to be legal?—It applies to both, legal and illegal; if you can cut two feet in that way out of any weir it does not matter; the fish do not care a button whether the weir is legal or illegal.

1010. But if the weir is illegal, the weir, perhaps, may be removed?—No; people run away with a notion that if you say that a weir is illegal you must knock it down; but that is not the meaning of the expression. All you mean is simply to say that the owner of that weir is bound to make some provision for the fish passing; no matter how little, provided the fish can pass.

1011. That is the construction which you put on the word "illegal"?—That is the only meaning that I put on the word "illegal," with regard to the subject of fish. At the same time, the judges who decided the Clitheroe case, evidently had it in their heads that if the weir was illegal, it must be knocked down *in toto.*

1012. Mr. *Liddell.*] You have described to the Committee, with great clearness and detail, the defective condition of the law at present to secure the free passage of fish, and you have based your suggestions for an alteration in the law on that ground, but mainly on the ground of giving proper protection to the rights of riparian owners?—Yes; I say that the rights of riparian owners have been taken from them without their knowledge and without any compensation, and that injury continues, and will continue, to the end

nd of the world, unless some alteration is made
n the construction of the existing dams.

1013. And you put it also, I presume, upon
ne broad principle that no man has a right to
enefit himself at the expense of other people?—
es; that is one of the golden rules of the law.

1014. That is an axiom of law which applies
many things besides fisheries?—Yes; that ap-
lies to everything that you can think of.

1015. Is it not possible to conceive that a
node of fishing may be adopted that is practically
s destructive to the rights of the riparian owner,
nd as obstructive to the passage of the fish from
ne sea as a mill-dam?—Quite so.

1016. And you know, practically, that there
re such modes?—Undoubtedly.

1017. Is it not your opinion, if your own theory
e a correct one, that the riparian owners have
s much right to be protected against such other
nodes of fishing as against obstructing mill-
ams?—Quite so.

1018. That necessarily leads us to this conclu-
on, following out that great axiom of the law,
hat some restriction should be placed on that
node of fishing, which is practically obstructive
o the passage of the fish?—Yes; that is the theory
n which the Legislature has acted for cen-
uries.

1019. Supposing that a net is carried for a
reat many hundreds of yards across an estuary,
nd that that net only escapes from the definition
f a fixed engine by being supported by corks
ut is always in that position, does not it appear
o you, that that is as effectual a bar to the pas-
age of the fish as any-mill dam which you can
onstruct across a river?—It must necessarily
perate in that way to just the same extent.

1020. I should like (as all you say on the sub-
ct is authority) to get from you some practical
uggestion how a net of that description should
e dealt with; I mean a net used in an estuary,
ut extending so far across the estuary as prac-
ically to prove obstructive?—The proper mode
f dealing with that would be to have some power
ested in some body to make regulations from
ime to time, prohibiting nets of a certain size, or
sed in a certain way, within certain limits.

1021. Has not the spirit of the legislation
with regard to the capture of salmon been very
istinctly this, that only such modes of fishing
hall be adopted as shall take salmon alive with
he object afterwards of returning it to the water,
n case it is not fit for sale and use?—I do not
hink that the legislation has been quite so
ninute as that; but no doubt that is the spirit
n which the legislature should go into the
ubject.

1022. But if we wish effectually to preserve
he breed of salmon, do you not think that object
hould be kept in view?—Undoubtedly, if you
ind a particular net used in a particular way,
nd the use of that net is exceedingly destruc-
ive in the killing unclean salmon and so on,
nd if you have found that it was beginning to be
serious evil, there ought to be a power to make
omething in the nature of a bye-law to limit
r restrict that evil, whatever the kind of net may
e.

1023. I fancy I have understood from the tenor
f your remarks that you have yourself objec-
ions to giving the power of making bye-laws to
ocal authorities?—Yes, unless there is some res-
riction I should decidedly say that there was
n objection to it.

1024. You would vest some controlling power in the Executive Government, I presume?—Yes, that would be one mode.

1025. Would that remove your objection to giving a local authority power to make bye-laws, in accordance with the circumstances?—Yes, quite so. The only objection to giving Boards of Conservators power to make bye-laws, would be this, that they are too apt to be led away by some predominating bias in the locality; therefore I would give a kind of appellate control to the Home Office or some other administrative body.

1026. That would in your mind remove any reasonable objection to what might be called class or local legislation?—Yes, it would secure fair play to each interest.

1027. Now, with regard to the restrictions on net fishing, of course the object of the salmon laws is to increase the supply of salmon as an article of food?—That is the cardinal principle.

1028. Then any restriction placed on net fishing rather militates against that principle, except it is coupled with the object of increasing the breed of salmon, does it not?—Yes, that is so.

1029. Then to place restrictions on net fishing during the season, when the salmon are food, would be to a certain degree inconsistent with the object of the law, would it not?—Yes, because it tends to control the public or private owner in the exercise of his legal right; *primâ facie* at common law a man may catch fish in any way he likes, unless there be some special restriction put upon him by statute or the policy of the common law.

1030. Then comes in your other principle, namely, the protection of the rights of other owners of fisheries than those in the estuary, or near the mouth of the river?—Yes.

1031. Do you think that you can compensate those riparian owners by any amount of bad fish for the loss of the good fish, using the words as meaning clean and unclean salmon; I am now speaking of the difficulties first of all that occurred to your mind in placing restrictions on net fishing, but I am going back to your own principle on which you base the alterations which you proposed in the law, namely, protection to the rights of riparian owners?—That is one ground.

1032. But do you think that you can compensate a riparian owner for the loss sustained by him during the spring season or the summer season by giving him any amount of bad salmon?—No, you could not possibly do that.

1033. Then there is this great difficulty of giving that protection which you say the law thinks just to the riparian owner; and, at the same time, there is the difficulty which lies in the way of restricting the supply of salmon to the public market?—I do not think that there is any difficulty there, because you cannot benefit the upper riparian owner without at the same time benefiting the public, and you cannot benefit the public without benefiting the upper riparian owner.

1034. Do you not know as a fact that the moment you succeed by any legislation in increasing the supply of salmon, *pro tanto*, and to a much greater degree do you stimulate the activity of men and their skill in netting?—Yes.

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1035. And that the one rather keeps in advance of the other?—That may be so.

1036. Is it not natural that it should be so?—It is natural and possibly unavoidable.

1037. I am anxious to bring your great experience and (if I may say so) your great talent to bear on the difficulty of how you are to give that protection to the riparian owners which they require, and which is only a stimulus to enable them to protect the fish at the spawning grounds, and at the same time give fair scope to the nets for the purpose of supplying salmon to the public market?—In the first place, you must consider that there is no mode by which you can limit the public right in any way by saying that no more than 100 fishermen shall use drift nets in an estuary; but if you find that they are, so to speak, over-cropping in an estuary, you can make a bye-law to the effect that you may extend the weekly close season. Of course, I am assuming that you obtain power to enforce restrictions on their right of fishing by extending the weekly close season, and by also seeing that there is a clear opening up the river over all the weirs. I think in that way you would always keep ahead of the difficulty.

1038. That points to the only practical remedy, namely, the extension of the weekly close time?—Yes.

1039. Wherever this inconvenience is felt?—Yes; wherever there is over-fishing in an estuary, the proper remedy would be an extension of the weekly close time.

Tuesday, 20th July 1869.

Mr. James Paterson, called in; and further Examined.

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1040. Mr. *Liddell.*] You have had opportunities greater than those of any other man probably, of ascertaining the defects of the Salmon Fishery Laws; have you felt in your experience, or has it been required of you, as any part of your duty, to point out those defects in the law to anybody?—I have written letters to the Home Office, the parties who I thought might take the initiative of suggesting alterations in the law.

1041. What notice has been taken of your observations by the department of the Government charged with the execution of the law?—I confess no notice at all.

1042. Have you never communicated your views to the inspectors?—No, because I know the Home Office is the only party charged with the initiative in legislation.

1043. There was a new Salmon Fishery Bill introduced into Parliament this year, I believe?—There was a Bill introduced.

1044. May I ask whether your practical knowledge and experience were brought to bear in the framing of that Bill?—No, not the least; I consider I was treated as an intruder and an officious person altogether.

1045. Did you proffer assistance or offer to place at the disposal of the framers of that Bill the results of your experience?—I embodied them in a long letter, very much to the effect which the evidence I have given indicates, but I do not think that letter produced any result at all.

1046. Then are we to understand, we who are here to represent the interest of the owners of salmon fisheries, that but for the accident of the formation of this Select Committee, the views of the most experienced man in the country on the defective state of the Salmon Fishery Laws would never have been known to the country?—I should say, decidedly so.

1047. I need hardly ask you whether you think that that is carrying out the duties of a great public department for the best advantage of the public?—I think modesty forbids me to say anything upon that point.

1048. From the experience you have had in your own court, does any cheaper mode of conducting inquiries into the Salmon Fishery Laws suggest itself to you than that which is furnished by your court?—No; I am confident there is not, and that there cannot be suggested a cheaper mode.

1049. As far as the enactments at present in force go, your work is nearly completed, I should fancy?—Yes.

1050. The necessity for your court will not long exist, will it?—We shall get through the work, I should say, in about two years.

1051. But it is impossible to predict the amount of work that may be created by alterations in the law, I presume?—If you knew the particular alterations, you could calculate very easily the amount of work.

1052. But still a considerable amount of inquiry into dams other than fishing mill-dams would be required, I suppose?—I do not think it would take longer than the inquiries hitherto have taken.

1053. There is nothing in the procedure of the ordinary courts of justice to prevent all these matters of litigation being settled by them, except that the mode taken by the Commissioners is a cheaper, shorter, and a more summary mode, I suppose?—I should say it would be practically impossible, by the agency of the ordinary courts of justice, to get at any solution of these questions at all; it would be extremely difficult, if not altogether impracticable, to work out a remedy by means of the ordinary courts.

1054. At all events until the salmon laws are brought into a state of complete efficiency, the continuance of something in the nature of a Fishery Commission is for the advantage of the public?—I should say so; I do not advocate the continuance of the Commission now existing. I only say that you must have some body or other charged with the same duty.

1055. Mr. *Knatchbull-Hugessen.*] Did I understand you to quote Mr. Roberts as a great authority on fish passes?—He is considered an authority, no doubt.

1056. Did

1056. Did he practically adopt the Forsyth adder?—I do not know.

1057. *Chairman.*] Mr. Roberts is engineer to the Board of Works in Ireland, is he not?—No, I think not; but he has some connection with the Board of Works in Ireland.

1058. Mr. *Knatchbull-Hugessen.*] You do not know whether Mr. Roberts has practically adopted what is called the Forsyth ladder?—I do not know what the Forsyth ladder means; I believe it is a name that has been very much abused, and that Mr. Forsyth is greatly slandered by people using that nickname.

1059. You were asked by the honourable Member for Northumberland, "What notice had been taken of your observations by the department of the Government charged with the observance and execution of the law," and you replied, "I confess no notice at all," and in a subsequent question you were asked, "May I ask whether your practical knowledge and experience were brought to bear in the framing of that Bill?" and you answered, "No, not the least; I considered I was treated as an intruder, and an officious person altogether." Do you adhere to that statement?—Quite so.

1060. Did you in December last have a letter from the Inspectors of Fisheries, informing you that they proposed to submit to the Home Secretary their suggestions for an alteration of the Salmon Fishery Acts, and expressing a hope that they might, in the first instance, have the advantage of conferring with the Commissioners on the subject?—No; that is quite a misrepresentation of the letter. I had previously written a letter to the Home Office, stating that, in my judgment, certain changes in the law were urgently necessary with regard to salmon fisheries, and about a week afterwards, I got, I think, a note from Mr. Walpole, saying that he and Mr. Buckland were anxious to settle some points in which the fishery laws might be amended, and asking if the other Commissioners were in town, and if some meeting might be appointed; that was the whole purport of the letter.

1061. Have you got that letter?—I daresay I have it; I could produce it at a short notice.

1062. Mr. *Liddell.*] What was the date of that letter?—I recollect that it was about a couple of days before Christmas; I had previously written to the Home Office, suggesting that some legislation was absolutely necessary.

1063. Mr. *Knatchbull-Hugessen.*] Do you recollect the date of your letter to the Home Office?—About a week before that.

1064. Is this the answer that you returned to the letter of the Inspector, "My dear Sir, my colleagues being out of town, and having previously arranged not to come to town this week, I think it will be impracticable for them to meet you and Mr. Buckland as you suggested. As regards myself, I am expecting to hear from the Home Secretary in answer to a letter I wrote him on the same subject a week ago, and I think it will be premature to say or do anything till his authority can be obtained for proposed alterations in the Fishery Acts"?—Yes; that is a copy, I have no doubt, of my letter.

1065. That is dated the 29th of December?—Yes.

1066. You did not think it necessary to consult the Fishery Officers of the Home Department, but you preferred to act independently and to apply to the Home Secretary?—I preferred applying to the only person who had any power.

1067. Did you receive an answer on the 29th of December from the Home Office in reply to your letter referred to in the letter which I have just read?—The first letter which I wrote to the Home Office was a very short one, simply stating, that I thought that some alteration was very urgent, and I got a note from the Home Office, asking me to put my views in writing.

1068. In consequence of that answer, did you on the 8th of February forward to the Home Office a detailed statement of the condition of the salmon fisheries, and the amendments in the law which you wished to suggest?—Yes.

1069. At that same time did you put forth a pamphlet upon the subject?—No; I did not put forth any pamphlet upon the subject.

1070. Was this paper which I now hold, entitled "Amendment of the present Salmon Fishery Laws; Opinion of James Paterson, Esq., Barrister at Law, one of Her Majesty's Special Commissioners for the English Fisheries," put forward by your authority?—I had no more to do with it than yourself, except that I gave an opinion to clients of mine, who took my opinion and chose to print it.

1071. But the opinions here expressed are your words?—Yes.

1072. In fact, though you had no more to do with it than myself, is it not the fact that the recommendations which are stated as your opinion here are recommendations almost in the same words as those which you forwarded to the Home Office?—They are very much the same in substance.

1073. Then, admitting that you are perhaps the most experienced man on this subject, as my honourable friend the Member for Northumberland put it to you, your opinions would not have been lost to the country even if the matter had rested there?—I do not know that that follows, because the pamphlet had a very limited circulation.

1074. But any expression of opinion of yours would be likely to be attended to by those who are interested in the subject; do you not in that pamphlet, or, rather in the statements embodied in the pamphlet and in the recommendation to the Home Office, propose that the power of the Special Commissioners should be extended, and that certain administrative duties should be performed by them?—Yes.

1075. Did you mention the Inspectors at all in your statements and proposals?—No; I did not see any necessity for it.

1076. If the Government without imputing any blame whatever to the Special Commissioners, after full consideration, did not think it was fit to propose to Parliament to continue the Special Commissioners and to extend their powers, did not a number of your proposed clauses, being dependent upon the continuance of the Special Commissioners, entirely fall to the ground?—I knew nothing of what the Government had resolved upon, but they did not take any opportunity of letting me know the resolution they had come to; then, assuming that the Government had come to a certain conclusion, you ask me if, they having come to that conclusion, such and such other things were not superfluous.

1077. I ask you whether many of your clauses did not hang upon the extension and continuance of the powers of the Special Commissioners, and therefore if the Government thought they could not

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not propose that extension, did not a great number of your clauses fall to the ground?—That would be the consequence if the Government came to that determination.

1078. Of course, for example, if your court was not to continue, the clause giving an appeal would not be wanted?—That would not follow; there are some appeals now pending which are of immense importance.

1079. That could be provided for subsequently, could it not?—No, that could be more properly done now, because the Commissioners might yet have duties arising out of the conclusion come to in the cases.

1080. Although the court would terminate, you think it would be still desirable to give an appeal from a court which no longer existed?—No, I say there are certain appeals now standing in which it would be of immense importance that the right of further appeal to a higher court should be given, and that even if no further extension of power is given to the Commissioners, yet in the event of such an appeal being given not only would the result tell greatly to the advantage or disadvantage of the fisheries, but the Commissioners would necessarily have some duties arising out of the decision of the highest court of appeal.

1081. But there might have been a special Act of Parliament to give an appeal in these one or two special cases, might there not?—Yes; you might pass an Act of Parliament to do anything; Parliament is omnipotent.

1082. Some of your proposed clauses related to pollutions, did they not?—Yes.

1083. If the Government had determined to wait for the report of the River Pollutions Inquiry before legislating upon the subject of pollutions, those clauses would fall to the ground?—All I can say is, the Government did not do me the honour of telling me what conclusion they came to one way or the other.

1084. But the Government having collected information from all quarters from which they thought information would be useful, do you think they are bound to send to every individual and tell him how they intend to proceed?—I do not say the Government are bound to do that; all I say is that they gave me no information.

1085. Did you see the Home Secretary himself?—I had the honour of seeing the Home Secretary once.

1086. Did you lay your views before him?—I presumed that he had read my letter, and I alluded only in a general way to the substance of my proposals; but no particulars were gone into at all.

1087. With regard to some of your other suggestions, did you not come to the Home Office at my request on the 3rd of April?—That is the very occasion you referred to; I saw both yourself and the Home Secretary at the same time, and that was the only occasion.

1088. You saw me alone for some time, did you not?—That was for five minutes after I had seen the Home Secretary.

1089. Did I not ask you to give me clauses on some of the most important points, in order that I might judge how far we should be able to engraft them upon the Bill?—Yes, and I sent them to you.

1090. Was not one of your suggestions that there should be a grating placed across the mouth of the mill-race?—No; I think not. I did not include a clause to that effect.

1091. I refer to No. 30, in your first letter?—That is not the letter which I sent to the Home Office at all; I sent at your request some clauses ready drawn out to be put into an Act of Parliament, without further change.

1092. Number 28 is a proposal that all owners of mill dams, &c., should be obliged to put a grating across the mouth of the mill race?—That is in my letter to the Home Office, but is not one of the clauses which I sent to the Home Office.

1093. But the clauses were very few, were they not?—I selected at your request one or two of the more important provisions, and sent them cut and dry in a shape for insertion in a Bill.

1094. But you did not imagine that I was to be precluded from taking your other suggestions, did you?—Certainly not.

1095. Was not one of your suggestions that no net should be used within 100 yards above or below a mill dam?—That was part of the letter, but not part of the clauses which I sent to the Home Office.

1096. But that was one of your suggestions, was it not?—Yes, in the letter which I wrote to the Home Office that was one of my suggestions.

1097. Another of your suggestions was to extend the power of the water bailiffs to traverse the banks of salmon rivers?—Yes.

1098. And all those suggestions, although the last very partially, were embodied in the Bill, were they not?—Not in an effectual manner; there was an attempt to do something or other about them.

1099. You did not think that the 8th clause of the Bill with regard to grating was sufficient?—Certainly not.

1100. Although it did carry out your suggestion, it did not carry out your suggestion in the way you thought best?—It scarcely carried out my suggestion at all.

1101. The Water Bailiff clause you do not think at all valuable, although your suggestion was acted upon in a partial form?—*Per se* it was of no value; it was of no value unless accompanied by other things.

1102. Your suggestion was that no net should be used within 100 yards above or below a mill dam; do you think that the clause was sufficient for that?—No, it was a very badly constructed clause of the Bill, and I believe utterly unintelligible to any human being.

1103. At all events one of your suggestions was to give power to the Commissioners on the application of Boards of Conservators to make bye-laws?—Yes.

1104. One of those objects was the alteration of the weekly close season, was it not?—Yes; that was one of the items that was considered a proper subject for any such bye-laws.

1105. Then there was to be a power to define a certain limit of the rivers within or beyond which no net should be used, or only a net of a certain mesh?—Yes.

1106. And to make regulations generally for the protection of salmon fisheries and other fisheries which interfere therewith?—Yes.

1107. Did not the Bill act on that suggestion with the sole exception that it gave power to the Conservators to make bye-laws with the consent of the Home Office after a local inquiry by the Home Office?—There was a clause somewhat to that effect.

1108. If you were asked your opinion and your

your co-operation, which I cannot help thinking was the case by the Fishery Commissioners and the Home Department, and if you were invited to send your amendments to the Home Office, and you were afterwards asked to attend and explain them, and had an interview with the Home Secretary and the Under Secretary, and several of your suggestions were embodied in the Bill, is it fair to say that the Home Office took no notice of you, and that you were treated as an intruder and an officious person?—I considered that I was not asked to attend and explain them; and if, after I had taken the trouble to draw the clauses for them, I did not hear one word from them from that moment to this, that was properly described as taking no notice whatever.

1109. Although some of your suggestions were embodied in the Bill?—The least important of them, and carried out in a very imperfect manner.

1110. Are you at all aware of the immense pressure of business on a public department?—Yes, that was the way I explained the circumstance to myself.

1111. Do you think that however much respect we may have for those who assist us with suggestions with regard to alterations in the law, it would be possible for us to write the exact course we mean to take to every such individual?—No, that was not necessary; but I think the busiest man in the world can write a note of 10 words, saying all that is sufficient.

1112. The whole of your complaint is really that a note of ten words was not written to you?—I assure you that I am not complaining at all; the honourable Member for Northumberland asked me the question and I gave him an answer.

1113. But you say that a public department treated you as an intruder and an officious person, which was the very last thing that the Home Office intended to do; that is really making a complaint, is it not?—I coupled what followed with what went before, and I thought that was the general conclusion to be formed of the whole transaction, so far as I was concerned.

1114. You think, in fact, although a man is asked to come and have an interview with the chief and other officers of the department, and to afford them a detailed statement of his views, that unless that they either embody his suggestions entire in a Bill, or express to him the reasons why they do not, they treat him as an intruder and an officious person?—I do not admit that I was afforded any such opportunity as you imply, and I think under the circumstances that was the proper conclusion for me to come to.

1115. Mr. *Herbert.*] Have you heard how the last Irish Bill works since it has been passed?—I know of course what has been done under that Act of Parliament and the work that was imposed upon the Commissioners has been to a certain extent completed.

1116. Have you heard whether the results have been equal to the anticipations?—I have not formed an opinion with regard to that, because I really do not know what the anticipations were.

1117. Have you ever heard that whereas a great many of the weirs were removed from the mouths of several rivers in Ireland, the system of netting has now increased and become so much more deadly that it has done much more harm than the original weirs?—Yes, it may be so in some cases, and there is a very ready cure for that, namely, to extend the power to make bye-laws.

1118. You think it advisable that the Commissioners should have power to put down netting which nearly prevents the fish going up the river?—If in any particular case it is found there is too much netting in an estuary, the proper remedy is to extend the weekly close season.

1119. You do not think that you could possibly put a stop to netting; take a river that is capable of being fished with a seine from bank to bank, have you ever heard that the system of netting now is that about four or five, or six nets are used together, that no sooner is one put out than another is put alongside it till the whole six are out, so that a net is always in the water, and utterly precludes any salmon passing?—Yes.

1120. Can you suggest any remedy for that?—Yes, the proper remedy is to make a bye-law that no net is to be shot within a certain time after another net.

1121. Do you not think it would be a good plan to put a limit to each net?—I do not think that would be necessary if you had the other remedy which I suggest, namely, if you insist on a certain interval between each shot.

1122. Now, in fresh water rivers, suppose you went down to a river, and a system of netting in fresh water was brought before you, one bank being owned by one proprietor, and the other bank being owned by another proprietor, one proprietor tries to net, and the other is not anxious to do so, how far has that proprietor a right to go?—In strict law a person who has only one bank can only go to the middle of the stream.

1123. Is that a several fishery?—Every person who is the owner of a bank of a fresh water stream has necessarily a several fishery attached to the land, just as much as he has the right of digging his land.

1124. What is your system of giving licenses in England in different districts?—You impose a certain duty of a certain amount upon a particular kind of instrument.

1125. Will a license taken out in one district serve for another district?—No, not in England.

1126. Would it not be a very good thing to make trout and salmon one and the same thing with regard to licenses?—I think there is a great deal to be said on both sides, but I should be rather disposed not to impose a license on trout fishing.

1127. But is it not the case that constantly men who are pretending to fish for trout are really fishing for salmon?—You can punish them for doing that.

1128. But it is difficult for the bailiff to find them out, is it not?—Not at all; in the first place, you see the kind of rod that he is using; that is one important element; and then you have, possibly, the kind of fly, and there may be other little things. I think any justices who wished to do so could dispose of that kind of difficulty at petty sessions.

1129. Do you think that it would be advantageous to enable Boards of Conservators to devote part of their funds to artificial breeding, instead of employing them altogether in preserving the fish?—I think that should be within their powers. If they think it necessary or advisable in the particular circumstances of a river that nature should be helped in that way, I do not see any objection to it; it is one of the modes of restoring the stock.

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1130. Have you had any experience of artificial breeding?—No; except that I believe it is quite a practicable thing.

1131. Do you think it would be advisable to put up gratings to prevent salmon going up to some small tributaries, especially in hill districts?—Yes, it might be so; but you must take care that you are not cutting off any right to a fishery.

1132. But I am talking of the spawning season. A salmon will run up a very small stream in order to spawn, especially in heavy waters, and that stream runs down, perhaps, to a small ebb, so that a salmon is left high and dry in a hard frost, and is destroyed?—Yes.

1133. Do you not think that it would be very advisable for the Boards of Conservators to be able to put gratings up to prevent the salmon running up in that way?—That could be done only on the general principle, that by doing so you compel the fish to go elsewhere to spawn where their spawn would be properly protected; but you must also bear in mind, that you are cutting off a man's common law right of catching what he finds in his own part of water, and you must give him some *quid pro quo*, or at least you must consider his rights.

1134. But a man has no right to kill salmon in breeding time, has he?—But I assume a case where the fish go up a small stream in the open season. Suppose they happen to be in the stream at the time when the owner of the stream might catch some of them, then if you prevent the salmon going up the stream, you take away his opportunity of catching fish at all.

1135. Would it not be advisable that any future weirs should be constructed so that the salmon could pass over a weir without putting that two feet gap?—Yes; that is the law as it stands now.

1136. With regard to the grating which you wish to be put at the head of the mill race, do you not think it is much more essential that the grating should be there in the spring of the year, when the salmon are returning from the spawning ground, to save the kelts than for any other purpose?—You must look both at the kelts and the small fry.

1137. Could you make a grating so small as to prevent the parr going through?—If you do that, you also prevent the kelts going through.

1138. Do you think it is possible to make a grating so small that you can prevent the parr going through?—I daresay it is possible.

1139. If you make it so small, shall you not almost dam the water-supply from the miller?—No; because you can always widen the mill-race to the same extent as you reduce the volume of water by the grating.

1140. But if you do that, do you not think that the grating would be so fine and narrow, that the smallest bit of stick getting down to the inlet would give the miller some trouble?—That merely means a man's wages now and then for looking after that.

1141. Would it not be very hard on the miller to put a grating of that size which may be of very little use to prevent parr going through, and to make him pay the expenses of that man?—I assume that it will be of use to prevent the parr going through, and if so I do not see any great hardship on the miller, even if it did put him to a little extra expense, because his property is so situated with regard to other people's property, that it destroys indefinitely other people's property if there is no grating.

1142. You think that it is as necessary for the small fry to have a grating there, as it is for the kelts?—Quite so.

1143. *Chairman.*] I think the 34th section of the Act of 1865, clearly defines that the license can only be used within the district for which it is taken out?—Yes.

1144. Mr. *Pease.*] Presuming that we are looking to further legislation on the subject of salmon fisheries, what is your view with regard to the removal of natural obstructions out of tributary streams, especially out of the upper ends of main rivers?—That is a power that can only be applied by means of legislation, because at Common Law you cannot compel a man to alter his lands from a state of nature; the only way would be by means of some Parliamentary enactment.

1145. Would you vest powers in the local Conservatory Boards for the removal of these obstructions?—Yes; I think there might be such a power vested in boards of conservators, because, at the very outside, I do not see how it could possibly injure the owner.

1146. Would you make provision for any case of damage?—Yes, but I should think that that would be a very extraordinary state of things.

1147. But you would think such a power necessary?—I do not say it is necessary, but I think it is advisable; it is a help. With regard to natural obstacles in rivers, there is power given in the Irish Acts of Parliament to the Commissioners, on being furnished with funds, to create a fishway over, for instance, a waterfall.

1148. Leaving out of view all questions of legal rights, you would also place the control of the engines to be used and the close time in the local conservancy board?—Yes, subject to the restrictions which I have already stated.

1149. With regard to mill dams, is it not your opinion that it is at least as necessary to clear away the obstacles or to let the fish pass through the larger dams as the small mill dams, or the tributary hill streams which are the breeding grounds of the salmon?—Yes, it is of much more importance, of course, to open the weirs at the entrance of and in the large rivers than in the little mountain streams.

1150. Then with regard to smaller dams the way in which you meet the difficulty of opening a gap is by raising the dam, are you not aware that there has been a steady increase of almost every mill dam in the kingdom, that every miller is raising his dams until most of them have got to such a height that they will hardly bear any more?—Yes, that is a common observation.

1151. Will not that stand very much in the way of putting this extra inch or two upon the top of the dam?—No, it adds a little to the expense of the fishway, but it does not affect the question in any other way.

1152. I mean with regard to damming the water back on the neighbouring proprietors?—Making a fishway coupled with a bar does not alter the level of the water.

1153. You mean it does not do so if your fishway is always open?—No.

1154. But as soon as your fishway is closed, it does?—Yes; but I assume that the fish pass is not closed until the water is below a certain level.

1155. You said that you would not open the fishway until the water was up to the top of the increased level of the dam?—That is one mode of dealing with it; I assume that that is so. An inch of height in that state is of no consequence.

1156. Would you vest power in the conservancy boards to remove those mill dams, or to close the fishway in the mill dams, or to alter the dams on paying compensation to the mill owners?—The first question is, who is at fault.

1157. You would presume that people were acting in accordance with their rights?—If you assume that the miller has acquired the right to put his dam in such a way as to prevent the fish passing up, the alterations must be at somebody else's expense.

1158. Would you make it optional on the part of a fishery board, whether, after knowing what the expense would be, they would incur that expense, that is to say, deciding whether the fishery was worth more than the mill, or the mill more than the fishery?—Yes, certainly in all cases; I think you assume that I would advise the purchase of a mill compulsorily; but what I said was, that it was not necessary as a rule to purchase or interfere with a mill, or mill property at all.

1159. Suppose you cannot raise the height of the dam, and you have no power to put in a fish-pass, then the difficulty arises that the fishery board must deal with the dam, and there is a loss occasioned to the mill owner; would you make it optional on the part of the fishery board whether they would purchase the dam?—Certainly; it would be of no use making it compulsory on the board to purchase a thing that was not worth the money.

1160. It would simply be a question of what was the value of the mill, and what was the value of the fishery?—Yes, it would simply be a question of the relative value of the two things.

1161. Do I understand you to give no opinion with regard to the quantity of water that a salmon requires in proportion to its size in going up a stream, say, in a fishway?—Yes, I give an opinion; you know the average size of a salmon, and it is pretty well ascertained that it would require about 12 inches deep.

1162. Suppose the salmon is eight inches deep?—Eight inches might do in a great many cases.

1163. That is to say, as much water as would cover its back?—That would be a very proper standard as a rule, but in particular rivers you may want more. Smaller rivers generally have smaller fish.

1164. Do you think that a salmon can get up a stream if there is as much water as would cover its back?—Yes, if the velocity of the water is not too great.

1165. Is not two feet deep very much in exaggeration of what is necessary?—But you know that the water would not be two feet deep after passing through a two feet notch.

1166. That depends upon the height of the water above, does it not?—It depends also, not entirely, but a good deal, upon the gradient of the fishway below.

1167. Would not your object be met by seeing that a portion of the dam was sloped?—Yes; that is one mode.

1168. Would not that almost be a better plan than your plan?—You mean by making a large part of the dam a fish-way of itself; that is one of the ordinary modes; it depends on circumstances whether that is a better mode than the other mode. It would generally be more expensive.

1169. Have you ever turned your attention to the construction of new dams, and to the question whether or not any legislation should take place in that respect?—I think that might be left solely to the miller who builds the dam; the only restriction ought to be this, that if it is in a salmon river, some fish-way ought to be compulsory.

1170. But if you make the dam sloping in that way, is not the whole dam a fish pass?—If you assume that the dam is no obstruction, no fish-way is necessary.

1171. But my question was whether any legal measures should be taken with regard to the construction of new dams?—Certainly not; it is the miller's own business; if he likes to build his dam so that it is no obstruction, then you have nothing to say to him.

1172. But suppose that he builds that dam contrary to the habits and manners of the fish, so that it is an obstruction?—Then he is bound to make a fish-way.

1173. Do you mean by the present Act?—Yes, as regards future dams; I understand that you are not speaking of future legislation.

1174. But you would place no powers in the hands of a fishery board which were opposed to the long-established rights of the mill owners?—I would take no legal right from any man without paying him for it; nor do I conceive that the mill-owner ought to take away the legal rights of a riparian owner without paying for them. One kind of property is entitled to the same protection as the other, neither more nor less.

1175. Do you know the mill-dam at Galway; Mr. Ashworth's dam?—Yes.

1176. Do you know the salmon ladder there?—Yes.

1177. Can you tell the Committee whether, when the notch was cut in the top of the dam, the rest of the dam was increased or not?—So far as I know the history of the dam, it was built by the Board of Works under an Act of Parliament, and it was part of the original design that a fish-way should exist such as now exists; the whole original structure of the dam was arranged with a view to have a fish-way.

1178. Mr. *Richards.*] I understood you to say that as a matter of principle, there should be a fish-way in every dam that at present exists?—If it obstructs the salmon.

1179. And whether the owner of the mill has a prescriptive or any other legal right to the dam would be a matter of inquiry; but whether he was compensated or not, you think that there should be a fish-way?—Certainly.

1180. With regard to the question of bye-laws, the same bye-laws not being applicable perhaps to every river, do you think it would be advisable instead of bye-laws, that a provisional order should be passed for every river, somewhat in the same way that provisional orders are at present passed under the Board of Health Act and the Local Government Act?—That would lead to great additional expense, because you would have to send persons down to inquire into all the circumstances and go over the same ground; there is no advantage gained, I think, by that.

1181. Would it not be a great satisfaction to the fishermen on the one hand, and the owners of the dams on the other hand, that there should be a public

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a public inquiry, and that the result of that public inquiry should be confirmed?—Yes, that is the best mode; having a public inquiry and hearing all the evidence on both sides, and then let some persons have the power to make bye-laws irrespective of the Conservancy boards; that is the best state of the law: but the next best state is, that the Conservancy board should be allowed to make those bye-laws, only, however, after having an inquiry, and hearing the evidence of all parties interested, and vesting further restrictions on that power in the hands of the Board of Trade, or the Home Office. But the better way is, undoubtedly, to have bye-laws inquired into in a judicial manner, all interests properly represented, and let the persons who decide on making the bye-laws state publicly their reasons in detail.

1182. Do you not think it would be advisable at the same time to settle what provision should be made for a fish-way in every dam in a river, with regard to engineering details, and so on?—No, I think you might safely lay down a maximum as to the inlet; say, for instance, that no fish-way should have an inlet exceeding a certain size, 2 feet square, or 2½ feet square; that would show what would be the maximum interference that would be caused.

1183. Do you think it would be necessary to see the spot before settling how the dam should be altered?—Certainly you must see the spot, and settle the fish-way according to circumstances of the weir.

1184. Do you consider that any legislation would be complete without some such inquiry on the spot?—Certainly not; I go on that all along, that there should be some persons vested with authority to go to each spot to inquire into the circumstances, and, having competent engineering advice, to prescribe a certain plan for the fishway applicable to that particular spot.

1185. And to make bye-laws for the general regulation of the river?—There may be also power to make bye-laws.

1186. And with regard to the close time, and the size of the nets?—That is a different matter.

1187. Passing from the engineering details, I now ask your opinion with regard to the bye-laws?—Yes; and I say that both objects could be dealt with by the same persons, much in the same manner.

1188. Would not that be a much better plan than to have first an inquiry by the Commissioners, and then a settlement by the Board of Conservators?—Certainly; I should say that the Commissioners could go to every district and hear all sides, and form any bye-law that was considered necessary for the particular circumstances of that district, and that would settle, once for all, every question, and there would not perhaps require to be any further inquiry.

1189. At Question 444, you were asked, "Do you think that the increase of the stock of salmon in English rivers has been checked by the legislation of 1861 and 1865?" and you replied, "I think it will be checked very soon; it does not aid the mode of keeping up the supply at all"?—Yes; I say that it will be checked very soon.

1190. Do you consider that the legislation of 1861 and 1865 has had any beneficial effect on salmon rivers?—It has had a certain beneficial effect; but it will be followed very soon by a disastrous effect.

1191. Why do you think it will very soon be followed by a disastrous effect?—Because it will confiscate the rights of the riparian owners of the kingdom, and hand them over to the mill-owners who never paid for them.

1192. If you again interfere, as Commissioners, with the size of the nets, and the form in which the nets have been put down, would not that rather interfere with your previous judgment?—We have held no inquiry with regard to the size of the nets.

1193. Nor as to the position of the nets?—No; we have inquired into the legality of fixed engines, and of fixed nets; but we did not deal with meshes and draft nets; in fact, we had no power to do so.

1194. *Chairman.*] The only power of the Commissioners is that conferred by the 44th Section, is it not?—Yes; that is the only power.

1195. Mr. *Richards.*] Have you prepared anything like a scheme, of what you think ought to be the form in which the Boards of Conservators should be elected?—I have already given the principle on which I think the appointment of Boards of Conservators should stand; with regard to the details, I do not know that I have matured them; but it could be very easily done.

1196. In speaking of licenses, I gather that you would give licensees a voice?—Everybody who pays license duty, whether as a member of the public, or as a private owner of a fishery; every person who pays license duty for the privilege of fishing, is entitled to have some voice in the appointment of the Board of Conservators, I think; because the Conservators may legislate in some way to affect his rights, by means of bye-laws; that is assuming that the power to make bye-laws is given.

1197. *Chairman.*] To return for a few moments to your correspondence with the Home Office; there was a letter which you wrote to the Home Office in December, suggesting alterations in the Salmon Fishery laws?—Yes.

1198. Will you have the goodness to hand in a copy of that letter?—I will.

1199. You received afterwards a note from Mr. Walpole?—Yes, about a week afterwards.

1200. The Committee have heard that it was on the 29th of December?—Yes.

1201. Will you also put in a copy of that letter?—Yes.

1202. And you replied to that letter on the 29th of December?—Yes.

1203. Will you be good enough to put in a copy of that letter also?—Yes, I will do so.

1204. Afterwards you received another letter from the Home Office?—Yes.

1205. Will you put in a copy of that letter?—Yes.

1206. Your formal report is dated the 8th of February?—Yes; that was a very long letter, embodying a great many points.

1207. Will you put in a copy of that letter also?—Yes. (Vide *Appendix.*)

1208. It has been suggested by the Honourable gentleman near me that there might be special Acts of Parliament for enabling pending appeals to be heard, but would not that be very unusual legislation?—I should think it would be one of the most extraordinary pieces of legislation I ever heard of.

1209. You never did hear of that, I suppose?—No,

—No, and I do not suppose that anyone else ever heard of it.

1210. Without taking you through the various clauses of the Bill introduced by the Government, I will ask you, is it your opinion that that Bill omitted to legislate upon many matters urgently requiring to be legislated upon?—I think that the Bill embodied only a few things which were utterly trifling, if unaccompanied (as they were) by other more important things.

1211. With regard to the points that are provided for in that Bill, do you not think that they might be provided for much more effectually than they were?—Certainly.

1212. Some of the clauses were considered utterly unworkable, were they not; for example, there was a section giving power to the Home Office to add to or diminish the number of conservators. Now, what could possibly be done under that section?—Nobody could work that section; the proper course would have been to give power to the Home Office to direct the board of Conservators that they should hold a meeting and appoint a smaller or larger number of members in lieu of the existing board.

1213. The 6th Section proposed to give power to unite two or more fishery districts: do you not think it is absolutely necessary that there should be power to divide certain districts that are now too large?—Certainly.

1214. And to re-arrange them?—Yes, but that power is substantially in existence; you could almost extract out of the present Act of Parliament as much as that.

1215. Section 20 of the Act of 1865 pretty nearly gives all this sixth section gives, does it not?—Yes, I think it does entirely.

1216. But it omits to provide for the division of districts?—Yes; in explicit terms.

1217. Then the provision with regard to fishing within 100 yards of a dam is connected with these words: "Unless such dam is a fish weir having such a free gap therein as would be required if it were a fishing weir?"—That is utterly impossible; such a thing could not exist.

1218. Several questions have been asked you with regard to the course of procedure under the Act of 1865. I think that the 40th section of that Act of Parliament empowers you to inquire into the legality of all fixed engines within the limits of the Salmon Fishery Acts, 1861 and 1865?—Yes.

1219. And to enable you to abate and remove all such as are not proved to your satisfaction to be privileged?—Yes.

1220. Then the 42nd section gives you power with regard to fishing weirs and fishing mill-dams?—Yes.

1221. Did you, after your appointment, cause a form of return under these sections with regard to fixed nets and fishing weirs, or other fixed engines used for catching salmon, to be prepared in your office?—Yes, I caused a blank form to be prepared.

1222. And you had that printed, had you not?—Yes; I had it printed and sent a copy to the clerk or the secretary of all the fishery districts.

1223. You caused that to be circulated throughout the limits of the Salmon Fishery Acts?—Yes, it was circulated, and every person that we thought likely to be able to give us information received a copy of it.

1224. I believe you have a list of the various fishery boards in different parts of the country? Yes.

1225. Referring to the case of the Tees; did you send forms to the Tees Fishery Association?—I have no doubt we did.

1226. Do you happen to have the returns which you received?—Yes; that is the return we received (*producing a paper*).

1227. Did you receive that from the Conservators of the Tees Fishery District?—Yes.

1228. As a matter of fact, it was forwarded to you by myself as honorary secretary?—Yes.

1229. You know that for 10 years I have been honorary secretary to that board, do you not?—I understand so.

1230. Is it within your knowledge that my duties have been honorary or not?—I believe entirely honorary; I always understood so.

1231. Did you get a subsequent supplemental return from the Tees Fishery district?—I think we did.

1232. But referring to the return before us, you would find upon it the date upon which you received that return; when was it received in the office of the special Commissioners?—On the 23rd of July 1866, I think.

1233. I find that the first fixed engine referred to in that Return is a fishing weir belonging to Christopher Cradock, of Hartforth, at Thorp Lock, near Whorlton?—Yes.

1234. Do you remember whether when you held your inquiry at Darlington you inquired into the legality of that weir?—Yes; we made an inquiry at Darlington into all those cases.

1235. I believe that Mr. Cradock was represented before you by his solicitor?—Yes.

1236. And the Tees Fishery Board was represented by their honorary secretary?—Yes.

1237. Witnesses were also called before you by Mr. Cradock?—Yes; in all cases I think witnesses were called.

1238. Was the result of that investigation that you gave to Mr. Cradock a certificate of the legality of his fishing weir?—Yes.

1239. Have you formed any idea with regard to the expense Mr. Cradock would be put to in obtaining that certificate?—I should say, judging from the ordinary expenses of legal proceedings, it would probably cost him 4 *l.* or 5 *l.*; I do not see how it could cost him anything more.

1240. He had one or two witnesses and a solicitor from a distant town; would 10 *l.*, at all events, more than cover the expense which he incurred?—Yes, I think so.

1241. Mr. Cradock produced some title deeds before you, did he not?—Yes.

1242. And satisfied you of the legality of his fixed engine?—Yes, he did.

1143. Now, take the next case, which was that of the Whorlton Lock, belonging to Sir Clifford Constable, baronet; the Whorlton Lock is described as "a fishing weir extending across the river with a fish lock, box, or crib fixed near the Durham side?"—Yes.

1244. Was Sir Clifford Constable represented before you at that inquiry?—Yes, his solicitor appeared.

1245. His relative, Mr. Constable, as solicitor, or at all events Mr. Wyse, his agent, was present?—One or other of them was present.

1246. He also had some witnesses in attendance, had he not?—Yes.

1247. That case was investigated on that occasion?—Yes.

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1248. Returning to Mr. Christopher Cradock's case, this is the certificate which you gave, that "on the 23rd of February, 1867, Christopher Cradock, being owner of a fixed engine for catching salmon, called the Thorpe Lock, on the river Tees, was required to appear before you at Darlington on the 4th of April 1867, in order that there might be an inquiry before the said Commissioners touching the legality of the said fixed engine called the Thorpe Lock: And whereas, on the 4th day of April 1867, Christopher Cradock, at Darlington aforesaid, the party aforesaid, appeared before us, the said Commissioners, and made claim on behalf of the said fixed engine that it was privileged; and, now, after hearing what the said party and other parties by themselves, their counsel, attorneys, and witnesses, have alleged, and proved for and against the said fixed engine, and proof having been given to our satisfaction that such engine was privileged; we the said special Commissioners for English fisheries, acting under and in pursuance of the Salmon Fishery Acts, 1861 and 1865, do hereby adjudge and certify that the said fixed engine is privileged; and we further certify that the said fixed engine, consisting of one fishing box, commonly called and known by the name of the Thorpe Lock, on the right bank of the river Tees, in the county of York, is situated in the position, and is of the dimensions shown on the map annexed hereto, and which map is numbered $\frac{225}{1}$?"—Yes.

1249. Annexed to your certificate is an accurate plan, not only of the river where this weir exists, but of the lock itself?—Yes.

1250. Having completed that, you sent a duplicate to Mr. Cradock?—Yes, he obtains a certified copy of the document.

1251. Mr. *Liddell.*] Does the possession of that certificate under your hand and seal protect the owner of that weir from further legislation for all time?—Yes, certainly; it concludes the matter for ever.

1252. *Chairman.*] It is a final and conclusive settlement as between all parties?—Yes, as against the whole world.

1253. You gave notice, as required by the 43rd section of the Act, to Mr. Cradock, and to others whose names are given in the list; and I think you gave also notice by advertisement?—Yes, there must be a preliminary advertisement about a month beforehand.

1254. In fact, this will form a most important document of title to Mr. Cradock in future?—It is a Parliamentary title.

1255. And a duplicate of this title is sent to the local fishery board?—Yes; a duplicate of that title is sufficient to enable him to go into any court with it as evidence of what was decided.

1256. You say that the whole cost of that to Mr. Cradock, including the amount of the solicitor's expenses, and the production of the deeds and the witnesses, would not exceed 10*l.*?—I should say not.

1257. That certificate is given under the 41st section of the Act of 1865?—Yes.

1258. That clause says, "Where a claim is made by any person on behalf of a fixed engine that it is privileged, the Commissioners shall, on proof being given to their satisfaction that such engine is privileged, certify to that effect, stating in the certificate the situation, size, and description of the engine; a certificate given in pursuance of this section shall be deemed to be an order of the Commissioners, and to be subject to appeal as such. If unappealed from, or as confirmed or as amended on appeal, such certificate shall be conclusive evidence that the engine is a privileged engine within the meaning of the Salmon Fishery Acts, 1861 and 1865?"—That is so.

1259. Now, to come to Sir Clifford Constable's case, did you, in the case of the Whorlton Lock, also give a certificate that it was a privileged engine?—Yes, I believe so.

1260. With regard to the Wycliffe Lock, which is described as a fishing mill dam, extending partially across the river, did you also give a certificate that that was a privileged engine?—We did.

1261. With regard to the Ovington Lock, which is described as a fishing weir extending partially across the river, you determined that that was illegal?—Yes. I think that was abandoned; it had been disused since 1861; and the owner did not attempt to claim or defend it.

1262. You pronounced judgment condemning that weir?—Yes, in the usual way.

1263. The effect of your judgment is, that it can never be used again?—Certainly.

1264. I find that the next fixed engine mentioned in the list is the Dinsdale Locks, Henry George Surtees, Esq., owner, and Mr. Stephen Thompson, occupier, and it is described as a fishing mill dam extending entirely across the river, with a fish lock, box, or crib fixed at each end thereof?—Yes.

1265. Now, with regard to this case, did you pursue precisely the same course as you did in the cases of Mr. Cradock and Sir Clifford Constable, and other cases mentioned in the list?—Yes, we pursued precisely the same course.

1266. You were shown the other day, by the honourable Member for Westmoreland, a *subpœna duces tecum* to Mr. Surtees; do you know that those summonses were issued by you in blank in the same way as subpœnas are issued by superior Courts to any parties applying to them who are interested in the matter?—Yes; it is our duty to issue a subpœna at the instance of any party who thinks fit to apply for it.

1267. In fact, it was the summons of the party who applied for it, and not your summons?—Yes, quite so; I never saw it before.

1268. That subpœna was signed by one of your colleagues in blank, and sent down to the Tees Fishery Commissioners?—Yes; it must be signed by one of the Commissioners.

1269. That is pursuant to the 52nd section of the Act of Parliament, which gives you power to enforce the attendance of witnesses, and the production of deeds, papers, and so on?—Yes.

1270. So far as you were concerned, you called no witnesses before you, and you merely gave the ordinary notices?—Yes, we merely acted in the capacity of judges.

1271. I think you took the cases in the order in which they stand in this list?—Yes, I think so; that is the general practice.

1272. After disposing of the previous cases, the Dinsdale Lock case was entered upon?—Yes.

1273. Was Mr. Surtees represented by two learned counsel who had gone down from London?—Yes.

1274. And by his solicitor, a London solicitor?—Yes.

1275. And

1274. And by a number of witnesses?—Yes.

1275. The parties really before you were Mr. Surtees on the one hand, and the Tees Fishery Association on the other hand?—Yes, those were the two hostile parties.

1276. Are you aware that before that inquiry was entered upon, the Tees Fishery Association had urged that Mr. Surtees' solicitor, who happens to be his brother, should appear without counsel, and that the opposing party should be represented only by their secretary?—Yes; that matter was referred to, I believe, on that occasion.

1277. Upon your inquiry, Mr. Surtees was represented by two counsel, who came down specially from London, and by a London solicitor?—Yes.

1278. While the Tees Fishery Association was represented by a local barrister, Mr. Meynell, of Durham, and by myself, as honorary secretary?—Yes.

1279. You have heard that in that case the expenses of Mr. Surtees were 1,000 *l.*?—Yes; it was insinuated that his expenses were 1,000 *l.*; but I do not know that that was alleged as a fact.

1280. But what is your opinion upon that; if you were informed that the costs amounted to 1,000 *l.*, do you think that that expenditure was in the slightest degree necessary?—I should say that it was very extravagant.

1281. Do you think that there was the slightest necessity for its being anything like one-fourth of that amount?—Certainly not.

1282. I think that witnesses were called on both sides?—Yes; there were witnesses called on both sides.

1283. Have you been informed by the Tees Fishery Conservators what their expenses in connection with that inquiry were?—Yes; I have been informed of that.

1284–5. Have you been informed that between the month of March 1867 and the month of May 1868 the whole amount expended by the Tees Fishery Conservators for Ordnance maps, telegrams, expenses of witnesses, and counsel, previous to and upon the inquiry, was 10*l.* 7*s.* 7*d.*?—Yes; I was informed so.

1286. Then I think there was summoned as a witness the agent of the adjoining riparian owner, Sir Edward Blackett?—Yes.

1287. You had some evidence before you, that rent was paid to Sir Edward Blackett for damage done to his estate, by damming up the water?—Yes; that was proved by a witness.

1288. Mr. Pennington was in attendance to produce documents, have you been told that he has been paid 10 *l.* 15 *s.* for his expenses?—Yes.

1289. The Tees Fishery Conservators paid their counsel 47 *l.* 0 *s.* 6*d.*?—Yes.

1290. That is 68 *l.* 3 *s.* 4 *d.* altogether?—Yes.

1291. You mentioned the other day that certain records had been procured from Durham; I believe, that Mr. Longstaff, an antiquarian of great celebrity in the North, was employed by the parties jointly?—He stated so before us.

1292. Have you been informed that one moiety of his charges amounting to 70 *l.* have been paid by the Fishery Board?—Yes; I have been informed that that was so.

1293. Is that, in your opinion, a rather unnecessary expenditure?—I thought it was a large sum, certainly.

1294. But irrespective of that, the whole expenses of the Fishery Board on that investigation amounted to 68 *l.* 3 *s.* 4 *d.*?—That is so.

1295. I put this question in consequence of these two questions that were put to you; you were asked at Question 494: "Do you know how much the Dinsdale inquiry cost the owner?" and your answer was, "No." Then you were asked, "If it cost 1,000 *l.*, should you not think it rather hard on that gentleman?" Do you think that the sum of 1 000 *l.* which is mentioned in Question 495 had reference to other proceedings besides those which took place in your court?—I understand that now to be admitted, and from a remark which he has just made to you, I see the honourable Member, the under secretary of the Home Department, who put the question, is also now aware of it.

1296. I believe upon that occasion, you sat for three days at Darlington?—Yes.

1297. You sat on the 4th, 5th, and 6th of April?—Yes; there were 11 cases brought before us.

1298. You disposed of the whole of the cases that were brought before you with the exception of the Dinsdale case?—Yes.

1299. With regard to the Dinsdale case, you took time to consider your judgment, and you pronounced your judgment on the 28th of May?—Yes.

1300. You held another court on that day for the purpose of delivering your judgment?—Yes.

1301. The next case in that list is a stake net, fixed on the fishery of the river Tees, by the Tees Conservancy Commissioners?—Yes.

1302. Did you find that to be illegal?—Yes.

1303. On that occasion, I think I had the honour of representing the persons who had had the stake net?—Yes.

1304. You condemned us, and the net has never been erected since?—Just so.

1305. The next case is a case of stake nets fixed on the sea-shore, near Redcar, belonging to Mr. Newcomen?—Yes.

1306. I think I represented Mr. Newcomen also before you?—I think so.

1307. That you condemned as a fixed engine?—Yes.

1308. And ordered it to be removed?—Yes; we did.

1309. The next is the case of the Right Honourable Thomas Earl of Zetland?—It was.

1310. Had he two or three fixed engines also on the sea-shore?—Yes.

1311. Did you condemn them and declare them to be illegal?—Yes.

1312. Then it appears that you had one or two stake nets before you belonging to the Rev. George Wilkinson?—Yes.

1313. Did you condemn them also?—Yes.

1314. Mr. Edward Backhouse had a stake net near Seaton Carew?—Yes.

1315. Did you inquire into that net, and did you condemn it?—Yes.

1316. Mr. Milbank, one of the honourable Members for the North Riding, had a stake net?—Yes.

1317. Did you inquire into that stake net belonging to him?—Yes.

1318. And did you condemn that also?—Yes.

1319. In the whole of those 11 cases, did you pursue the same course?—Precisely the same course.

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1320. Granting certificates in three of them, pronouncing the formal judgment in the Dinsdale case which is before the Committee, and condemning all the others?—Yes.

1321. Now can you imagine any tribunal that can be constituted where inquiries such as these can be conducted so readily, so inexpensively, and, generally speaking, so satisfactorily as those were?—I think I cannot; with regard to the satisfactoriness, perhaps I am not the best judge; but with regard to expense, the inquiry is certainly inexpensive.

1322. You have had an appeal in one case, and that appeal is still pending?—Yes.

1323. That is the Dinsdale case?—Yes.

1324. In every other case has your judgment been acquiesced in?—It has.

1325. Have you had any complaint whatever, either from Mr. Cradock, Sir Clifford Constable, Mr. Newcomen, Lord Zetland, Mr. Milbank, or any other proprietor except Mr. Surtees?—No complaint whatever.

1326. I believe that Mr. Surtees has taken the precaution of giving two notices of appeal, has he not?—Notice is given from two separate parties.

1327. That is a settled estate; the tenant for life has appealed, and also one of the tenants in remainder, I believe?—Yes.

1328. Has one gentleman appealed to one court, and the other to another court?—I really was not aware of that.

1329. The right of appeal is given by the 45th section of the 28 & 29 Vict., which says, "If any person feels aggrieved with any decision of the Commissioners, the person aggrieved may appeal to any one of Her Majesty's superior courts of law at Westminster?"—Yes.

1330. Now, the person aggrieved by your decision, in the case of a settled estate, would not merely be the tenant for life, but the remainderman might also be aggrieved by it?—Yes.

1331. If it happens, as in this case, or if it happens in any other case, that the tenant for life appeals to the Court of Queen's Bench, and then the remainderman appeals to the Court of Common Pleas, and if conflicting decisions should be pronounced by those courts, the law provides no remedy for that state of thing, does it?—No, I do not see any remedy.

1332. There is no appeal to any court beyond one of the superior courts, is there?—No.

1333. There is no appeal, for instance, to the Court of Error?—No.

1334. Then if we had two appeals in this case, does not this of itself exemplify the absolute necessity for some further legislation?—Yes, that is a very good illustration of the necessity, I think.

1335. You were asked, who put you in motion with regard to Garnett's case?—It was in precisely the same way; by the Board of Conservators.

1336. In the case of Rolle *v.* Whyte, and in Lord Lonsdale's case, you acted on the returns which had been made to you throughout the kingdom, did you not?—Quite so.

1337. You have not permitted your court to be made a mere engine of oppression for individuals in any way?—Certainly not, so far as I know.

1338. The honourable gentleman near me put some general questions to you with regard to the number of persons employed in the milling interest, and so on; is the Dinsdale mill a corn mill?—Yes, it is a small corn mill.

1339. It is five or six miles from Darlington, I believe?—Yes, that is about the distance.

1340. The nearest village on that side of the water is Dinsdale, which is a hamlet consisting of a few houses, is it not?—Yes.

1341. Is the mill itself approached for some considerable distance by a cart road through fields?—Yes; and a very rough road it is.

1342. I suppose the Dinsdale mill is not one of those places that affords so much employment as to pacify the people who do not get salmon?—I should think two or three hands would be all that would be employed there.

1343. Grinding bakings, as they are termed in the north of England, for farmers in the neighbourhood?—I suppose so.

1344. With regard to the Tees fishery district, which has a catchment area of 750 square miles, is there any other mill in that district that would be in any way interfered with if additional powers are given to you under this Act of Parliament; do you know of any other case that you would have power to inquire into?—I do not know that there is any other case of the slightest importance.

1345. Therefore, when it is suggested that you are to have the power of inquiring into all the mill property of the country, that is a great exaggeration, is it not?—I think it is mere declamation and rhetoric.

1346. The power would only exist to inquire into such mills as are supplied with water from any running stream by means of an artificial dam, I suppose?—Quite so; and which dam hinders the passage of the fish.

1347. And which dam must at some time have been illegal, if it be not so now?—Certainly in that respect; in its inception the dam must have been an infringement, not merely on the rights of riparian owners, but also on the rights of the public to fish in the estuary.

1348. Would not that of itself afford sufficient reason why there should be a public inquiry into such an obstruction?—I think that is a sufficient basis for the Legislature to go upon.

1349. With regard to the question of expense, it has been suggested that an action at law might settle these matters; do you know of any mode by which the fishermen in an estuary could raise an action at law against the owner of such a dam?—No; I have not heard of such a case, and even if such an action at law were competent I should think it was one that was very unlikely to be resorted to by fishermen; and the same as to an indictment.

1350. While, with regard to individual riparian owners, an action would be necessary in each separate case?—Certainly.

1351. You were asked whether it would not be desirable that there should be an appeal to one of the superior courts, and if that would not carry more authority than your decision, but there is such a power of appeal at present, is there not?—There is such a power of appeal at present.

1352. Will you be good enough to refer to Question 512 where you were asked, "Then if the confidence of those gentlemen was not so great as we could wish in the special tribunal, would there not be constant appeals, and a vast increase of litigation and expense?"—That might be said of any court in the country.

1353. But your experience has proved that there

here is not a great amount of litigation and expense?—I have had statistics prepared of all the appeals, and my experience proves that there is not a great amount of litigation and expense.

1354. Take the case of the Tees fishery district, does not that prove that not only is there not a great increase of litigation and expense, but that litigation and expense are avoided, save in exceptional cases?—Decidedly.

1355. Reference has been made to the hardship of a person having to come before you to support his claim to any fishing weir or fishing mill dam, or fixed engine, and it has been suggested that such persons would rather have their cases tried elsewhere in order that they might obtain their costs if they proved to be in the right; do you see any reason why an Act of Parliament should not enable a special commissioner to award costs in certain cases where there is any frivolous or vexatious opposition to a claim?—I think such a power would be very desirable.

1356. Take the Dinsdale case; if any vexatious opposition had been offered to this claim, might you not have the same power to award costs as the judges have in the Superior Courts?—I think that would be a very proper power to invest the Commissioners with; and justices have the power in more trifling matters. It would cut both ways; and of course both parties would be equally liable to have it exercised upon them.

1357. It has been suggested, I think, inferentially, if not directly, that considerable delay has taken place in connection with the Dinsdale case, inasmuch as your judgment was pronounced in May 1867, and the matter is still pending. And it has also, I think, in some of the questions, been suggested, that alterations have since been made in that case; have not these alterations been made, and has not that delay been occasioned in consequence of the suggestion contained in the 20th clause of your judgment?—Yes.

1358. In the first place, you made a formal order?—Yes.

1359. And then you go on to say, "Though, however, this will be the formal order, we wish it to be understood, that the literal execution of it will not be insisted upon, provided the owner propose some other plan, whether in the form of a fish-pass or otherwise, which will meet with our approval, as equally serving the purpose of enabling the fish to pass, and at the same time enabling him to cut an opening of less depth in the dam, so as to economise the water for his mill. This being peculiarly a subject for his own benefit, forms no part of our order, but is merely thrown out as a possible mode by which he may carry out the order in a satisfactory manner?"—Yes.

1360. The attempts to make a fish-pass have been in consequence of your suggestion?—Yes, quite so, and acted upon to some extent by the owner.

1361. And in consequence of an intimation from the Tees Conservancy Commissioners, that they did not wish to press for an opening if the fish were enabled to surmount the dam?—Quite so.

1362. I believe you have recently visited the Dinsdale dam, have you not?—Yes.

1363. And there you met Mr. Cail, who was the engineer consulted by Mr. Surtees?—Yes, he was the engineer.

1364. I believe that some suggestions have been made for alterations in the fish-pass?—Yes, in order to make it effective.

1365. Is it proposed to carry those alterations into effect?—There is a proposal, but it is not definitely settled, owing to the owner not having yet made up his mind.

1366. A question was asked you with regard to the districts in which you have not made inquiries. You have not yet made many inquiries in Yorkshire, have you?—Scarcely any.

1367. The honourable Member for Westmoreland mentioned the Swale district; do you know that district?—Yes.

1368. Do you know, as a matter of fact, that no salmon whatever can get up the Swale now in consequence of the mill dam at Topcliffe?—Yes, there are several cases in the Swale where there is a total obstruction.

1369. Topcliffe is a mill weir alone, is it not?—Yes.

1370. In the judgment of the Court of Queen's Bench, in Garnett's case, it was held that you had no power to inquire into such a case as the Topcliffe, was it not?—If it is a mill weir only, that would follow, as a matter of course.

1371. No salmon can get up the Swale so long as that remains as it is, and so long as the law remains as it is, I believe?—I believe not.

1372. As you have already stated in answer to Question 932, you have jurisdiction over fixed engines, fishing weirs, and fishing mill dams, but not over ordinary mill dams, so long as the law remains as it is?—Quite so.

1373. Something has been asked of you as to a supposed conflict between the Commissioners and the Court of Queen's Bench; I suppose that is of no importance to Parliament?—Not the least, because the object of the Legislature of course is to remedy bad laws; it is a bad law whichever way it is, and the only question is whether it is quite so bad as the Court of Queen's Bench has laid it down.

1374. The only question is, which of the two views of the existing law is the right view?—That is the only question; it could only have the effect of showing which of the two parties is to be at the expense of putting things right.

1375. The Court of Queen's Bench say that the Prescription Act applies, and the Commissioners are of opinion that the Prescription Act does not apply?—Just so.

1376. If that question were settled the law would be easily applied to every similar case, would it not?—Quite so, if the law was once settled.

1377. Now with regard to the supposed interference with the milling interest of the country, I collect from your evidence that a fish-pass may be made without interfering in any way with the milling power?—Quite so; subject to the observations which I have made, a fish-way can be made in nearly all the weirs in this country without in the least interfering with the milling power.

1378. You were asked by the honourable Member for Kerry with regard to mountain streams, and the necessity for putting gratings in them; I suppose you do not regard that as of very much importance?—No, that is a trifling matter, and not worth much attention.

1379. With regard to the use of a valve which has been suggested, that is merely for the purpose of saving trouble to the miller, is it not?—

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Nothing else; it would be very easy to work the Act of Parliament without the necessity for any valve.

1380. You consider the use of a valve quite practicable, but still you think it might be dispensed with?—Quite so.

1381. With regard to Garnett's case, that is a manufactory, is it not?—Yes, that is a large cotton mill, I think.

1382. In the case of Rolle *v.* Whyte, the Umberleigh Weir case, that is a corn mill, is it not?—It is a very trifling affair.

1383. What is the character of the mill in Lord Lonsdale's case?—There are two mills in that case, but they do not in the least depend upon this opening in the weirs.

1384. But are they corn mills?—One is a corn mill, and the other is an iron forge, I think.

1385. Are they small in character?—Not very small, but owing to the peculiar conformation of the river and the object of the weir, a hole such as now exists does not make the least impression on the mill.

1386. With the exception of Garnett's case, where a large number of persons are employed, the question of compensation would be one of comparatively small amount, would it not?—It would be very small.

1387. You have been to Clitheroe, I believe?—Yes.

1388. I believe that steam power is largely used in Mr. Garnett's mill at present?—It is both steam and water power.

1389. So that if the alteration did interfere at all with the water power, it would merely be a question of additional steam power?—Yes; it might possibly amount to nothing more than simply saying that he shall not take so much by five-horse power out of the river, and consequently that he may have to take that five-horse power out of the steam-engine; that represents the whole difference to him; it is not a question of pauperising half a county, or anything of that kind.

1390. It is a question of compensation in another form?—Just so.

1391. You mentioned to the Committee at the beginning of your examination, that you considered the Act of 1865 unworkable in many particulars with regard to dams and weirs?—Yes.

1392. You have already given the Committee some instances of that, but I suppose you did not deem it expedient, considering that there are cases of appeal pending, to go more minutely into your views on this matter?—No.

1393. Generally you are of opinion, I suppose, that there is great advantage in being able to settle cases for all time, in the way you have done in those cases on the Tees, all disputed questions of legality?—Yes; I think it is of great importance to fix for ever the existence of a particular right.

1394. You send a copy of the certificate to the Clerk of the Peace for each county, do you not?—It becomes a record of the county, and open to the inspection of anybody who pleases to inspect it.

1395. The same advantage does not exist under any certificate given by the Home Office, does it?—No; there is no power to inspect the certificate of the Home office, or to have a copy of it, or to check it in any way.

1396. At the request of the honourable Member for Kendal, you agreed to hand in to the Committee a memorandum of the repealed Acts of Parliament, have you prepared that memorandum?—Yes; we have a print of nearly all the repealed Acts of Parliament, a copy of which I will hand in to the Committee.

1397. Mr. *Whitwell.*] I think you were also asked to draw up a memorandum of the changes in the close time?—Yes; I will hand that in.

1398. Mr. *Lowther.*] I think you stated that those subpœnas were issued in blank?—Yes; if the solicitor of one of the parties wrote for a subpœna to serve upon a particular witness, he would probably not give us all the particulars, and therefore we should send it out signed blank for him to fill up the details.

1399. The person signing it is in no way responsible for those details, I suppose?—No, not the least; all the subpœnas issued out of Westminster Hall bear the signature of the Lord Chief Justice and the seal of the Court, but he is not responsible for them.

1400. The honourable Chairman, I think, wishes the Committee to infer that in the cases of the fisheries belonging to Lord Zetland and Mr. Milbank, and others, upon which you have given your judgment, those gentlemen were on the whole satisfied?—I do not know whether they were satisfied or not.

1401. At all events, they did not appeal against your decision?—Certainly not.

1402. But this Dinsdale case may have been a peculiar case?—No doubt it was a peculiar case.

1403. If you had had the power of giving costs, would you have given them to Mr. Surtees, or would you think his opposition was frivolous?—It is scarcely fair to ask me that question now, I think.

1404. But was it what you would call a frivolous case?—No, he is quite entitled to defend his property if he thinks that he has a right to do so.

1405. Who pays the costs of appeals in support of the Commissioner's judgment?—The losing party pays; if the party appeals and loses his case he will have to pay the costs.

1406. Do you know at all how many cases you have lost as Commissioners?—We have lost two cases.

1407. Do you know what the costs were?—No.

1408. You have no means of knowing that, I suppose?—Yes, I could ascertain that, but it does not come under our department.

1409. Has your judgment in the Dinsdale case ever been legally enrolled?—If you mean whether it has been drawn up in the form in which it would be if the whole thing were settled, I can only say that it is not, and that there is no necessity for it.

1410. Does it prevent them going on fishing?—No, it has no effect whatever; while the appeal is pending, of course the parties are no worse off than they were before.

1411. Now with regard to the Salmon Hall Fishery case, if the respondent is dissatisfied with the case as stated by the Commissioners, has he the same right to appeal to a judge in chamber as the appellant has?—Is that a question of law on which you wish to take my opinion? I am quite ready to answer the question if the Committee

mittee think that it is desirable; it is a mere question of the construction of the Act of Parliament; of course, as every one knows, unless a special power is given to a Judge in Chambers, he has not the power, and if the Act of Parliament says that it is in the case of the appellant that he has that power, it follows that he has not the power in the case of the respondent being dissatisfied.

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1412. *Chairman.*] That defect might, perhaps, be remedied with advantage in future legislation?—Quite so; I think it ought to be.

Friday, 16th July 1869.

Professor WILLIAM JOHN MACQUORN RANKINE, called in; and Examined.

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1413. *Chairman.*] You are a Civil Engineer practising in Glasgow, are you not?—I am.

1414. How many years have you practised there, and at other places?—At Glasgow and elsewhere for 24 or 25 years.

1415. I think you are also professor of civil engineering in the University of Glasgow?—I am.

1416. How long have you held that appointment?—For 13 years.

1417. Have you given your attention to the practical as well as the theoretical parts of your profession?—I have.

1418. Have you in both capacities turned your attention to the laws of water running in rivers and open channels?—Yes.

1419. That is the part of mechanical science that you call hydraulics, is it not?—Yes.

1420. Is the law of fluid bodies moving down inclined planes, or falling from vertical heights, substantially the same as that of falling rigid bodies?—Yes, in this respect, that the velocity which a fluid acquires in descending from a height is the same as the velocity which a rigid body will acquire in falling from the same height.

1421. Weight for weight?—Weight for weight. It does not depend on the weight; the body may be large or small; it acquires the same speed in falling from the same height.

1422. Both points being founded on the ordinary laws of gravitation?—Yes.

1423. I need hardly ask you whether the velocity of a falling fluid is easily ascertained when certain data are known?—Yes; that can be easily ascertained when certain data are known by the help of previous experimental knowledge.

1424. When water is discharged through the opening of a reservoir you can easily calculate the velocity of that water, can you not?—Yes, you can to a certain degree of nearness.

1425. Sufficiently for all practical purposes?—Yes.

1426. You have made yourself acquainted with the experiments of Smeaton and Banks and others who paid particular attention to this branch of the subject?—Yes; there is a vast body of experiments, and I know them well; I may state that I have made experiments myself to a considerable extent, and satisfied myself by observation of the accuracy of any rules that had been been deduced from previous experiments and applied in practice.

1427. I am desired to ask you if the velocity of falling water depends in some degree on the pressure behind it?—Yes; pressure behind will answer instead of height.

1428. In fact, in height you get pressure in another form?—Yes.

1429. Have you turned your attention to the subject of water flowing over a dam, or an obstruction of a similar kind?—Yes.

1430. And to the laws applicable to water so flowing?—Yes.

1431. We have had from Mr. Paterson a diagram of a mill dam; you observe upon that diagram the situation of the mill dam marked from O to P?—Yes.

1432. And the mill pond above is stretching up to the limit of the floodage?—Yes.

1433. And the mill wheel adjoining the mill on the right hand side of the plan?—Yes.

1434. With the head race to the mill, and the tail race down to the river?—Yes.

1435. The object of that dam is to pond up the water for the use of the mill?—Certainly.

1436. And to do that until it attains a certain height?—Yes.

1437. I need hardly ask you whether the object is to obtain motive power to drive the mill wheel?—Yes, of course; the object is to get a certain quantity of water falling through a certain height.

1438. A certain force and velocity, I suppose?—Yes.

1439. During the winter months, when the river is usually full, the surplus water of course flows over the dam, and does not pass through the mill race?—Yes, just so; the surplus water over flows the dam.

1440. At such periods only a small quantity of the water flowing down the stream is required to pass through the mill race?—Yes. I may say that, in ordinary cases in this country, only from a third to a fourth of the water that runs down a stream in the rainy part of the year is used for motive power.

1441. That is a very small proportion, is it not?—Yes; as I have already stated, about one-third or one-fourth of the water is the common proportion of this country.

1442. Does that depend at all on the size of the river, or is the surplus very much the same whatever the size of the river is?—It is a kind of average, taken from rivers both large and small, used for water power.

1443. You have also before you a small diagram?—Yes.

1444. That, I think, shows the flow of the surplus water over the dam?—Yes.

1445. You observe the different levels that are shown on that diagram, marked D, E, C, B, and A?—Yes.

1446. The Committee have had this before them on a previous occasion, in connection with the evidence of Mr. Paterson. Now then, assuming that the surplus water flows over the dam

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at the height of the level of D, does the moving impetus of the water, with regard to this weir, remain the same so long as the level continues at the same point?—Yes; I may explain that the motive power to be obtained from the water when the figure and size of the opening that supplies the mill are fixed depends on the level at which it stands in the pond, and while the level remains the same, the mechanical power to drive the mill will remain the same also.

1447. And that totally irrespective of the consideration whether the distance between the mill-dam and the mill is long or short?—Yes, provided that the distance, whatever it is, remains unchanged.

1448. I need hardly ask you whether it is true that the higher the water is at D, the greater the motive-power, and the faster will it drive the mill wheel?—Yes; within certain limits, keeping the same opening.

1449. Then if the water level suddenly falls from D down to E, that, I take it, would produce a diminution, *pro tanto*, of the power applied to the mill wheel?—Yes.

1450. The effect would be that the mill wheel would go slower, I suppose?—It would either go slower, or it would be able to overcome less resistance; it would do less work in one way or another.

1451. Is it true, then, as a general rule, that when the level of the water is above D, the wheel of the mill goes faster, and when the level of the water is below D, it goes slower than it would if the level was precisely at D always?—Provided it has the same resistance to overcome, it will go faster when the level of the water is above D, and slower when it is below D.

1452. Assuming the mill to be a corn mill with a given number of pairs of stones to drive?—Yes.

1453. Then, suppose that in the mill-dam somewhere between the letters O and P of the dam on the other diagram, an opening two feet square should be made below the crest of the dam, would the consequence of that be to lower the level of the water from D towards E?—Yes; it would cause the water in the pond to stand at a lower level.

1454. For this purpose that level is represented by the lower point E?—Yes.

1455. That would have the effect of diminishing the motive-power of the water to a slight extent as far as the weir is concerned, other things remaining the same?—Certainly.

1456. Would it make any difference in which part of the dam that opening is made, so that it is made anywhere between O and P and upon the same level?—No, that would make no practical difference.

1457. Now suppose when you make the opening in the dam at that point, you desire to prevent the level of the water falling from D to E, could you accomplish that by raising the crest of the remainder of the dam to the same extent?—Yes, you could do that.

1458. Knowing the length of the dam from O to P, and the opening to be made being two feet square, can you calculate exactly the height to which it would be necessary to raise the crest of the dam in order to retain exactly the same amount of motive power to the mill?—Yes; you can calculate that with a degree of accuracy sufficient for practical purposes.

1459. I suppose there is a well known formula for making a calculation in such a case?—Yes.

1460. The length of the dam and the size of the opening being given, can you calculate for practical purposes, with very great accuracy, the height to which the dam must be raised in order to retain things as they were before the opening was made?—Yes; a hydraulic engineer can do so.

1461. Will you kindly, without making use of very technical expressions, point out to the Committee the rule upon which that calculation is based?—I may explain, in the first place, that if I were desired to design alterations in a dam for this purpose, I would base my calculations not upon a condition of flood, but upon the ordinary summer flow, because it is when the river is in a low state that any small loss of motive power is of the most importance to the miller. Then in every ordinary case there is a small surplus of water during the ordinary summer flow beyond what can be used by the mill, and that overflows the dam; I should get the dimensions of the dam, and the depth to which that overflow extends; I should have, in fact, a wide opening, an opening equal to the whole length of the crest of the dam, and of a certain depth, and then I should calculate the dimensions of a narrow and deep opening suited to discharge the same quantity of water, and I should raise the crest of the dam so high as to stop the overflow when the stream is at the ordinary summer level; to stop that overflow over the height of the crest of the dam generally, and confine it altogether to this notch. A narrow notch being made of a depth, bearing a certain definite proportion to the depth of the previous overflow of the dam, can be so adjusted as to discharge just the same quantity of water, the level of the mill-pond remaining unchanged.

1462. Mr. Paterson was good enough, in answer to some questions the other day, to give us some experiments based on dams of certain length, with an aperture of a certain size; the Committee would be glad if you would go through those examples, and give them the extent to which it would be necessary to raise the crest of the dam. Take a mill dam of 200 feet in length, with an opening two feet square, how much would it be necessary to raise the crest of the dam for the remainder of the 200 feet in order to compensate for the loss occasioned by that aperture?—I ought to explain to the Committee first, that those calculations are made in something like the reverse order to the process I have mentioned. I take an opening of a certain size, and instead of finding out what surplus water is running down the river, I assume a notch of a certain size, and then calculate what surplus water is required in order to fill that notch, and what height of uniform overflow that would produce over the crest of the dam, and then I raise the crest of the actual dam up to the level given by that calculation; it stops that amount of overflow, and sends it all through the notch. I will begin with the dam 200 feet in original length; the crest of the dam is 200 feet long and the opening two feet by two.

1463. What raising of the crest of the dam would you require in that case?—I calculate about one inch and fourteen hundredth parts, 1·138; it is calculated to three places of decimals, but no one executes such works to that degree of precision, so I say that one inch and an eighth is about enough for practical purposes.

1464. Take a dam 160 feet in length, with an opening

opening 18 inches wide and two feet deep, what height should it be necessary to raise the crest of the dam for such an opening as that?—One inch and seven hundredths, a fraction more than an inch.

1465. If the dam were 140 feet in length, and the opening 18 inches wide by two feet deep, what should it be?—1·16.

1466. If the dam were 100 feet in length, and the opening 18 inches wide and two feet deep, what should it be?—1·46, nearly an inch and a half.

1467. With a dam 80 feet in length, and an opening 12 inches wide and 18 feet deep, what should be the height of the crest of the dam?—97-hundredths; very nearly an inch.

1468. With a dam 40 feet in length, and an opening 12 inches wide and 18 feet deep, what should be the additional height of the crest of the dam?—1·54, about an inch and a half.

1469. Of course, you could calculate with the greatest possible facility, upon the same principle the proportion of elevation of the crest of the dam that would be required for every weir in existence, for any kind of opening that may be determined upon?—Yes, quite so.

1470. I need hardly ask you whether those results are matters of absolute certainty, and well known to all hydraulic engineers?—Yes, they are the results of very numerous experiments made by a great number of persons, and they are well known to all hydraulic engineers.

1471. The results are quite incontrovertible, are they not?—Yes, there can be no question about their being practically correct.

1472. In fact, you may say with absolute certainty, having regard to the ordinary laws of running water, that whenever you make a hole of any particular size in the top of a dam you can calculate how to maintain the force of the water by raising the crest of the dam in proportion?—Yes, you can calculate how high you must raise the crest of the dam in order to save the overflow to the extent that would be sufficient to fill that notch, provided that surplus or overflow exists.

1473. Does it not inevitably follow that the motive power of the water, as far as the weir is concerned, may be totally unaffected by making that opening with a corresponding elevation of the crest of the dam?—Yes, with this provision, that if the water should fall below the crest of the dam, as raised, you ought then to shut the opening.

1474. But assuming that the water is at one or other of the two levels D and E, assuming that the water is at the level D on the diagram, in its natural state, and is reduced to the level E by some opening in the dam, what then?—There is this one thing to be said, my calculations are founded on the water standing at the level marked C. I take that as the summer level, because it is then that any small loss of water power becomes most damaging. If the raising of a dam will produce the required effect, then it would be quite sufficient when there is a still greater surplus.

1475. In fact, all that is done in a case of this kind is really to force a part of the surplus water which would otherwise flow over the dam, down through a square hole, and all the conditions of the water in the mill pond would remain the same?—Yes.

1476. That does not depend on the volume of water in the river, or the size of the pond above the dam, or, indeed, on any other circumstance than the water remaining at the same level?—Just so.

1477. Whenever there is a sufficient surplus of water flowing over the crest of the dam, you can, after making the hole, so raise the crest of the dam as to leave the level of the water and the supply to the mill totally unaffected?—You can do so.

1478. I need hardly ask you whether these laws are quite unquestionable?—Quite unquestionable.

1479. These laws being applicable to all rivers, and all dams used for ponding up water?—Yes, I am assuming that the dam is a well-constructed dam.

1480. And if you have a dam that is well constructed, it might be injurious to make an opening at all, might it not?—Yes; I assume that the dam does not contain leaks or fissures that would defeat the operation of any alteration.

1481. You are assuming that it is a good sound dam?—Yes.

1482. Obstructing the whole passage of the water, any change being entirely from constructing an aperture in one case, and a compensating elevation in the other case?—Yes, just so.

1483. I need hardly ask you whether, after such an operation as that had been performed, if the miller were to complain that his motive power was interfered with, he would be under a misapprehension, with regard to the facts of the case?—Yes, I conceive that he would.

1484. At all events, he could not be injured by making such an aperture with a corresponding elevation?—No, he could not be injured, subject to the conditions I have mentioned.

1485. Suppose, however, for some reason, that after the water has fallen gradually below C, it is necessary still to keep the whole open, and thereby diminish the supply of water, would that result in some loss of motive power to the miller? Certainly it would.

1486. Could you calculate the amount of that diminution of power?—Yes, a hydraulic engineer being furnished with all the dimensions of the dam and the outlet to the mill, in fact, of every part of the structure, and perhaps inspecting it himself, could calculate what loss of motive power had occurred to the mill.

1487. Suppose, for instance, that the water stood at C, and there was sufficient water to drive the mill wheel uninterruptedly during the whole of the week, and it was then diminished to B, it would be easy to calculate whether that would obstruct the working of the wheel for a few hours, or days, or any given portion of time?—Just so; the miller would sustain a certain loss in quantity of water, and also a certain loss in fall; there would be a loss of fall to the extent to the difference of level, between the letters B and C, and, with those data, you could calculate the precise loss of motive power.

1488. You could ascertain, with almost arithmetical certainty, the amount of loss of motive power, and the consequent loss to the mill-owner?—Yes.

1489. All these questions are based on the hypothesis that the flow of water is unobstructed through the square hole, but if a zigzag curve, properly arranged, could be made so as to retard the velocity of the water discharged through the hole, would the effect be to require rather less raising

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raising of the crest of the dam?—That would be the effect of a zigzag channel.

1490. In one of the cases, the first of the calculations you gave us, it was needful to raise the crest of the dam 1·138. In such a case the introduction of a zigzag channel would reduce that to an inch or something of that kind?—Yes; but of course it depends on circumstances; it is not every zigzag that would produce an obstacle of that kind, but it must be such that the water in the highest pool of the zigzag stands above the level of the sill of the notch. So long as the water in the pool immediately above the notch is at or below the level of the sill, that does not obstruct the escape of the water, but so soon as it gets above the level of the sill it constitutes an obstruction.

1491. The fall in the zigzag should be something less than the depth of the opening, should it not?—Yes.

1492. Therefore the extent to which an elevation in the crest of the dam would be necessary would depend on the circumstances of each case? Yes; but by taking the rule for an unobstructed opening you would always be safe.

1493. You have given us the worst view of the case?—Yes.

1494. But that may be modified in a small degree under certain circumstances, I suppose?—Yes.

1495. Now, with regard to raising the crest of the dam between O and P whether to the height of an inch or more, how would you propose to do that?—There are different ways of doing it, but what I should recommend in most cases would be the use of a flat-shaped bar of cast-iron of a proper thickness; it is a very common practice to have a flat bar or narrow plate of cast iron running along the top of an actual dam: that bar often forms a capping to the sheet piling which is driven there, and it would be very easy to pin or fasten an additional thickness of iron on the top of that, or supposing there were no existing bar it could be easily fastened on the stone work.

1496. In many well-constructed dams there is a cast iron bar, is there?—There is a cast iron bar or ledge.

1497. Which, properly constructed, would, no doubt, add to the strength of the dam?—If anything, it adds to the strength; I cannot say definitely to what extent it adds to the strength.

1498. But there is no practical difficulty in having a cast iron bar of such a thickness as you require cast for that purpose?—None whatever.

1499. Or in having it fastened in a way which would not in the slightest degree injure the dam or weaken its solidity?—No; on the contrary it would rather add to the strength.

1500. You think that it would improve the dam rather than injure it?—Yes, if it made any alteration it would be in favour of the stability of the dam.

1501. Now, with regard to a dam 200 feet in length, taking the case we have been just discussing, what would be about the expense of making such an elevation?—I am not prepared to state that.

1502. But would it be comparatively inexpensive on a dam 200 feet in length?—It would be a very small matter as compared with the original cost of the whole dam.

1503. And such an addition with regard to the dam would not be likely to be interfered with by ice and *débris* coming in in times of flood, and so on, if it were properly constructed, I suppose?—No; the cast iron bar should be rounded on the top so as not to catch floating bodies.

1504. When ice and wreck are coming down, it is usually when the water in the river is in flood and when there would be a considerable quantity of water passing over the crest of the dam, is it not?—Yes.

1505. Now, will you kindly refer again to the small diagram. Suppose you have made your aperture two feet square in the dam, and the water is gradually falling in the pond from D to C, or from C to B, and you desired, when the water fell to C, to close the aperture, can you, as an engineer, easily construct a valve or mouthpiece, which would be self-acting, and which would have the effect of suspending that waste of water which, whilst the aperture remained open, would take place?—That is my opinion; but I should explain that in dams that I have seen, with notches or outlets leading to salmon ladders, when the water fell so as to begin to leave the crest of the dam bare, the fish-way was simply closed by the man in charge of the sluices slipping in a board by hand, and in any case that I have seen he was the servant of the miller. I have not seen a self-acting valve for closing such an outlet, but I have seen a description of one that has been applied in France to similar purposes, and which was reported upon by neutral engineers appointed by the Government, and found to answer the purpose after they had tried it for seven months.

1506. Was that in an opening of this kind?—Yes, it was in an opening of this kind; it was not an opening for the purpose of a fish ladder, but it was a gap in the dam of a reservoir, the object being to let off the flood water and to keep the pond at a constant level.

1507. I suppose those were experiments for ascertaining the practicability of constructing such a valve?—Yes; and to test its efficiency, and its durability and strength.

1508. And the result was quite favourable, you say?—Yes, the result was quite favourable. The original Report is to be found in a French periodical entitled "Annales des Ponts et Chaussées," 3rd series, vol. 10, date 1855. The machine is called by its inventor, M. Chaubart, "Vanne "Autorégulatrice." The document is a report by two engineers, or rather two reports by two engineers, belonging to the French Government Corps of "Ingénieurs des Ponts et Chaussées," who had tried one sluice for seven months, and two others for four months. The names of the engineers are M. Schlösing and M. Couturier. The second report is a corroboration of the first report.

1509. But I suppose the Committee may take it from you that the reports to which you have referred show that there is no practical difficulty in making, using, and keeping in order a valve of the description which you have referred to?—Those reports show that; that is the substance of them; the effect of the reports is to show that the top water-level of the reservoir did not vary more than about an inch at any time.

1510. I suppose the object of the trial was to ascertain whether such a valve could be made so as to produce such a result?—Yes.

1511. Is there any other information which you can give that you think would assist the Committee in their deliberations?—I can produce a small model (*producing a model*) which shows

shows the form of the valve and the mode of working it; this board standing diagonally represents the valve which, in the real apparatus, is made of massive cast iron so as to be durable; the valve is capable of turning into a more or less oblique position, and it rests on two curved sectors which rests on rails; the valve rolls upon them, and that is a better mode of construction than having pivots which would be apt to get wrong and be obstructed by sand. When the water stands just at the level of the upper edge of the valve which is level with the crest of the dam, the pressure of the water on the valve is self balanced. As soon as the water begins to overflow, there is a greater pressure at the upper edge, and the effect of that greater pressure is to upset the valve, and that goes on by degrees until the valve has left a sufficient opening for the surplus water to run out: it goes on gradually turning over. As soon as the whole surplus water is making its escape the valve stops moving, and the effect of that, supposing the notch is properly adjusted to give the supply requisite for the fish ladder, is that if there is a sufficient surplus to supply the fish ladder the valve will go on moving till it is fully open. If there is not a sufficient surplus, the valve will not do that, and if there is no surplus at all the valve will remain shut; if there is a small surplus the valve lets it away, but the level of the water in the pond does not change; if there is a surplus great enough to supply the fish ladder, the valve goes down to nearly a horizontal position and lets it away. Suppose, however, the flow of the river is diminishing, as soon as the flow becomes so small that the level of the pond goes below the crest of the dam, the valve closes itself.

1512. Mr. *Pease.*] Those valves are not put in in France for fishery purposes, are they?—Not that I have heard of.

1513. *Chairman.*] An honourable Member near me suggests that he would like to see a salmon pass through this valve; do you think that a salmon would have the slightest difficulty in making his way through that valve?—I am not professionally acquainted with the habits of salmon, but my idea of the action of such a valve as that, applied to a fishway, is, that when there is sufficient water for the supply of the fishway, the valve lies nearly flat, and you have an ordinary trough or channel, of which the valve supplies the bottom. On all occasions on which there is water to keep the fishway running only partially full, the valve will stand in an elevated position, but that would be only when there was not enough water for the fishway.

1514. Mr. *Knatchbull-Hugessen.*] When there is enough water there must be a great deal of water, must there not?—There must be a certain quantity of water, which could be easily calculated.

1515. But when there is water enough to cause it to act in the way you show, would not the salmon be able to pass in under any circumstances?—The salmon would be able to come up the fishway; at the time when the fishway is available the valve forms no obstruction; it forms the bottom part of the channel.

1516. *Chairman.*] But what the Committee is now considering is rather the mode of securing the supply of water to the mill; the effect of this would be to close the aperture when the water fell to a certain level, would it not?—Yes, to prevent the level of the pond from ever falling below a certain level.

1517. It may be called another illustration of the system of the ball tap?—Yes, only it is a very simple and substantial thing. There are a great many contrivances for self-acting valves and sluices; but the reason I mention this is its extreme simplicity and its capability of being made very substantial.

1518. Combining great simplicity with great capability of being made very substantial, is it not likely that it would not soon get out of order?—That I believe has been proved by the report of the French engineers.

1519. Mr. *Liddell.*] Would not those chains be somewhat liable to get out of order?—I may state that the kind of chain which is visible in the model is not exactly the kind of chain used in the actual valves; the chain used in the actual valves is composed of flat links fastened together by pins, which is a kind of chain which is not liable to be put out of order. But in making the model, we had to take any kind of chain we could find; it got knocked to pieces in the railway journey, and new chains had to be found for the model this forenoon.

1520. *Chairman.*] There is no practical difficulty in constructing such a valve, I presume?—None that I can see.

1521. Will you now refer again to the larger diagram; you will see at P, Q, the head of the mill-race, where the sluice is usually placed. Supposing you wish to fix a grating across the head of the mill-race with interstices of an inch, can you easily, by widening the mouth, compensate for the obstruction that the grating would cause to the flow of the water?—Yes, you can.

1522. And the quantity of the obstruction would depend, of course, on the size of the grating, would it not?—Yes; you should make the breadth of the opening at P, Q, such that the total water-way in it should be the same as if there was no grating in it.

1523. That leaves a little larger quantity to compensate for obstruction by wreck coming down the river?—Yes; I never saw a well constructed mill-race without a grating in that position.

1524. Of course you may construct a mill-race at the place where the grating is situated, so that the same quantity of water would flow through the grating at that point that the mill-race would be capable of conveying below?—Yes; I mean a grating somewhere between the mill-pond and the mill, to stop the floating bodies coming down.

1525. Which would otherwise destroy the mill-power, I suppose?—Yes; or might endanger it, because trees and wreck of every kind come down the stream in times of flood.

1526. The same state of things would happen to a grating placed at the tail race, would it not?—Yes, the same remarks apply.

1527. But it would be less necessary to widen it there, because there would be no wreck there?—Yes; but the rule would be practically the same, to make an opening so wide as to compensate for the obstruction made by the bars.

1528. So that there would be no danger of the water being obstructed and the opening of the mill-wheel stopped?—Just so. In designing sluices for mills, the ordinary practice is to give breadth sufficient to allow for a grating.

1529. In fact, to give compensation for the

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grating in increased width at the commencement and of the opening, and at the lower end of it?—Yes, more especially at the head race; the gratings are not so common at the tail race.

1530. But the same rule applies to both, I suppose?—The same rule applies to both.

1531. Suppose, in conducting the water through an aperture from a high level to a lower level, you desire to prevent its attaining more than a uniform moderate velocity, is there any mode of doing that except by a zigzag inclosure in the inside of the valve, through alternate apertures into the stream, in fact?—You might make it pass over a series of small weirs; in fact, there are these two principal ways, to make it pass over a series of small weirs, or to get it through narrow openings by a zigzag channel.

1532. Have you arrived at any conclusion with regard to the best mode of doing that, and with regard to the proper proportions of the zigzags or ladders?—All that I know of the subject is from having seen fish ladders that have been found to answer in practice; I do not know that I can lay down a perfectly precise rule on the subject; I may state that in the examples I have seen, the zigzags or steps have measured about three yards by two yards, that is to say, the smallest of them.

1533. In what depth of water?—I have seen them with a depth of water of only a foot, but not less than a foot.

1534. If it is more, so much the better, I suppose?—I have seen them a foot and upwards.

1535. You have mentioned some places where salmon ladders are in successful operation?—Yes.

1536. What places are those?—In the first place, there is the place where, I think, a salmon ladder was first made, at Deanston, in Perthshire; that is the example in which I know most of the details; then I have seen some upon the river Clyde, and elsewhere. The Deanston one is on the river Teith.

1537. Has your attention been ever drawn to the plan of a salmon ladder by Mr. Roberts?—Yes.

1538. Is he engineer to the Board of Works in Ireland?—Yes; I have a drawing of that plan.

1539. Have you examined that plan pretty carefully?—Yes.

1540. Does any observation occur to you with regard to the relative proportions or gradients that he recommends?—No; I have no special observation to make; he concurs in a general way in what I have stated. The gradient which Mr. Roberts recommends is somewhat steeper than in the examples I have seen, but I have no doubt that Mr. Roberts speaks from experience, and that he has found steeper gradients to answer.

1541. Speaking as an engineer, does that plan appear calculated to carry out the points intended by Mr. Roberts?—Yes.

1542. Have you read the statement accompanying that drawing, addressed to Mr. Ashworth?—Yes.

1543. Do you agree generally with the conclusions to which Mr. Roberts has arrived?—Yes, I do; only that a good deal of the statement relates to the habits of salmon; but I am no authority on that point.

1544. But with regard to the engineering part of the statement, I gather from your observations that you quite agree with him?—Quite; but I only know the habits of the salmon from hearsay.

1545. Do you consider that the principle on which Mr. Roberts states that those ladders had been constructed is substantially sound and in accordance with the laws of running water?—I do.

1546. The object in all these matters is to have a solid column or body of water moving with moderate velocity from a higher to a lower level, so that the salmon can swim through it?—Just so.

1547. Mr. *Knatchbull-Hugessen.*] I understand that, not being acquainted with the habits of salmon, you cannot give a decided opinion that the salmon could make use of these conveniences?—No, I do not know of my own knowledge.

1548. Now, with regard to the bar that you propose at the top of the weir, in times of flood, that would be of no use, would it?—In times of very high flood a bar at the top of the weir would make very little difference; it is intended to produce its chief effect when the water is rather low, that is to say, when the water is at the average summer level.

1549. I suppose that you have seen rivers in dry weather very often?—Yes.

1550. Is it not generally the case in a dry summer that the water of a river is not sufficient for the purposes of the mill, and that it is usually drawn below the sill of the weir?—With regard to the average summer level, there is in every case I have seen some small surplus, but in very dry weather there may be a deficiency.

1551. In that case a board on the top of the weir would be of no use, would it?—It would be of some use; the weir would be one inch or two higher, and the level of the water would not fall quite so low, but I may say that it would be of comparatively little use.

1552. But where the water was actually below the sill of the weir, anything above the sill of the weir could not have much effect upon it, could it?—Of course not. If the water were below the original level of the weir before that bar was put on, of course it has no effect whatever.

1553. That state of dryness sometimes lasts for a long time, does it not?—Yes, in particular seasons.

1554. *Chairman.*] Such a year as last year, for example?—Yes, such a year as last year.

1555. Mr. *Knatchbull-Hugessen.*] Then if the board was of very little use in flood time, and of no use in low water, it would only be of use when the river was above the sill of the weir and below the top of the board, just above the top of the weir?—Its principal use is, when the level of the water is at what I call the average summer level, and that is always a little above what would be the level of the crest of the weir, if that bar were not on it.

1556. Its operation would be rather limited, would it not?—Its operation is to save enough overflow to supply the fish-way when the fish-way is open; and it is limited to that. It has no other effect of any material consequence.

1557. Mills are usually built to use the whole of the river in its ordinary state, are they not?—No; in a state of ordinary summer flow there are very few examples where there is not some small overflow or surplus.

1558. You do not think that one opening in a weir two feet square would draw down the level of

of the river at all? — It certainly would draw down the level of the river unless you took means to prevent it.

1559. Do you know that a proposal has been made to compensate the miller for any quantity of water that may be taken by a fish-way?—I do not know that.

1560. When a river is high the water is comparatively of little value, is it not?—Just so, comparatively.

1561. It is in excess of the demand?—Yes.

1562. But when a river is low the water is very valuable, because it does not come up to the demand?—Yes.

1563. I presume you know that mills have been sometimes stopped entirely for want of water?—Yes, very frequently.

1564. If you took a portion of this limited amount of water from the miller you would increase the time during which he could not work, would you not?—Certainly, if you took away from the miller a portion of this limited amount of water in the dry season, when there was just enough to drive the mill.

1565. You would increase the time therefore during which his machinery was standing still, and by that means you would increase the time during which his people were unemployed?—Yes, if you took the water.

1566. And then you would have to compensate him, would you not?—If you did take the water you would.

1567. Could you make an easy calculation with regard to the amount of compensation you would have to give the miller? — Yes, that calculation could easily be made; at such times as those it is the practice to close the fish-ways, and in anything I have proposed I propose to adhere to that practice, when the water falls below a certain level to close the fish-way.

1568. Have you turned your attention to fish passes as fish passes?—I have turned my attention to fish passes as outlets through which a certain quantity of water runs; I am not personally acquainted with the habits of fish; I only consider the subject of fish passes in a hydraulic point of view.

1569. With regard to the construction of different fish passes and their applicability for the purpose of securing a passage for the fish, you would rather not give an opinion as between the one and the other?—No, I do not give an opinion with regard to anything that is dependent on the habits of the fish.

1570. You simply give your opinion on certain engineering points by the consideration of which the Special Commissioners have been satisfied that that plan which you state to the Committee is one that would be efficacious for the purpose of enabling the salmon to pass?—Just so; I take for granted, upon the authority of others, that certain kinds of openings and fish-ways are sufficient for the purpose of enabling the fish to pass; my evidence and my calculations relate to the expenditure of water through those fish passes and the means of effecting that with as little injury as possible, or with no injury at all.

1571. Mr. *Pease.*] There might be a certain state of the water in which a two feet opening might be almost equivalent to lowering the dam to the full extent of two feet; is not that possible?—That is not possible. There are cases when the existence of that opening, or leaving it open, might have a very serious effect.

1572. And that at a time when the water is most valuable to the miller?—Yes; at a time like that it ought to be kept shut.

1573. The effect of this sluice chamber is gradually to open and gradually to close the valve, is it not?—Yes.

1574. Is it not perfectly easy in mechanics, with a rising and falling body of water, so to contrive a valve with a float, that it shall open entirely at a given point, and closes entirely when the water falls below that point?—I believe that is possible.

1575. Would not that be a very much more available plan for the purpose of a salmon pass than one in which the valve gradually closes and gradually opens; a valve half open that cannot let the fish through, but might get the fish in part of the way and then send it back?—The cases in which valves would remain only partly open are cases in which the flow of water would not be sufficient to fill the fish-way to the prescribed depth. When the water is sufficient to fill the notch to the proper depth, the pressure on the valve will cause it to assume almost a horizontal position, so as to make it form part of the bottom of the channel.

1576. Have you any idea of the depth which a salmon requires in proportion to its own size?—I have been told by others that a foot is sufficient. Mr. Roberts seems to consider that 15 inches is about what is required.

1577. You would see no difficulty in constructing such a valve as I have mentioned, opening entirely and shutting entirely? — I believe that could be done, but I would rather prefer a valve working gradually, because of its being less apt to be injured by shocks. I think that a gradual motion is an advantage in that point of view. It is no disadvantage, because the cases in which the valve will stop midway are only those in which there is not enough surplus water.

1578. You have seen a good many of these dams on small streams, which are the breeding beds of salmon, I suppose?—Those which I have seen are chiefly on rather large streams.

1579.* But you have seen them in small streams, both in Scotland and England, where a dam is made with large boulder stones, puddled by rough clay?—Yes.

1580. Would your bar of iron be applicable to such dams as those?—Yes; I believe it can be fixed. In dams where such a bar actually exists, it is often fixed on the top of a series of wooden piles; it is only necessary to drive in a set of wooden piles, and fix a bar on the top of them.

1581. You must have an interval between the top of the bar and the top of the boulder stones, but, as that is an uneven space, could the work be made perfectly secure?—It would be advisable to stop that, and if possible to make it as water-tight as the rest of the dam.

1582. But that suggests no difficulty to your mind?—It suggests this to my mind, that the action of the whole apparatus would not be so efficient in a roughly constructed dam as in a perfectly constructed one; but I do not believe it to be impracticable in any case.

1583. Mr. *Lowther.*] You have not seen this valve in operation, I presume?—No.

1584. But you believe that this valve could be used in rivers where the timber comes down;

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trees, and so on?—It would be necessary to put some protection against floating timber, trees for example; it would not be necessary to put a close grating, but the stakes or bars would have to be so placed as to ward off the trees.

1585. Do you know the Tees river?—I am not very well acquainted with it.

1586. You do not know whether what you propose would be adapted to that river?—No; I know nothing special about the Tees.

1587. Would you recommend its use so far as you know in England?—Yes, I should recommend its use almost anywhere; only, as a matter of course, before making any such construction the special place ought to be examined by a competent person.

1588. If you had a place where you wanted something of that kind, you would be disposed to try this?—I may state that what I should prefer to anything else would be simply a board to be put in and taken out by hand, but if the person who had control of that board was not trustworthy, then I should put in a self-acting valve like this.

1589. Now, supposing that the Government, or Mr. Buckland, or anybody connected with any scientific society, wished to try an experiment, do you think that this would be a good one to begin upon?—Yes; I should think it a very satisfactory thing to try.

1590. You think that it is not only a pretty model, but that it would be really practicable?—Yes; I have confidence in the official report which I have seen with regard to how it has been found to answer in practice in France.

1591. Mr. *Richards.*] This valve would be altogether ineffectual when the mill leat took the whole of the water flowing down, would it not?—In that case the valve would remain shut; that is to say, if the water was just sufficient to supply the mill and no more.

1592. That would have no effect at all, would it?—It would have the effect of stopping the escape of water; that is the object of it.

1593. But it would have no effect if the mill leat took the whole of the water, would it?—It would stop any discharge of water through the opening.

1594. But assuming that the water did not flow over the weir, and the mill leat took it all, this would have no effect?—If the question of the honourable Member means this, that when the water is below the level of the sill of this opening the valve would have no effect, of course then it would have no effect.

1595. The valve would only be of good effect when there was more water flowing down the river than could be taken by the mill leat?—Just so, when there was a surplus, otherwise the valve remains shut; but the valve prevents the escape of water when there is no surplus, although the level of the water stands above the level of the sill of the opening of the valve; its action is to prevent the escape of water when the level of the water is below the level of the top of the valve.

1596. Assuming that the wole of the water goes into the leat, and none flows over the dam, then this valve would be of no effect at all, would it?—It has a very important effect; it keeps the level of the water from falling below a certain point. Take the supposition that the quantity of water is just enough to supply the mill and no more, and that the mill takes the whole of it, then suppose that the valve was away, the water in the pond would fall down to the level of that sill (*pointing to the model*), but when the valve is there, it prevents the water falling below this (*pointing it out on the model*), that may make a difference of 20 inches in the level to which the water falls; I am supposing that there is a gap, or notch, or opening, which this valve is of use to close; if you take away the valve and there is enough water for the mill, and no more, the level of the pond would gradually fall until it fell to the level of the sill of the fishway, and when you put in the valve it has the effect of preventing the level of the water in the pond from falling below the level of the crest of the dam; it does not make a difference in the quantity of water that goes to the mill, but it makes a difference in the level, which is quite as important as the quantity of water.

1597. Then assuming that the quantity of the water flowing down the river is only enough to do the mill work, how would you estimate the value of the loss of water, taking into consideration the various uses to which the motive power of the water is applied?—The miller loses so many horse power.

1598. In answer to a question which was put to you by the honourable Chairman, you rather put it as an easy thing to calculate the quantity of water abstracted?—It is a very easy thing to calculate how many horse power a miller will lose; or you may put it in another way, and you may calculate how many days he can work up to in full power, and how many days he must stop; and when there is a certain deficiency in the supply of water, it is an easy matter to calculate those losses of power; but I am not prepared to specify the money value just now.

1599. You say that it is an easy matter to calculate the loss of water, but not the value of it to the mill?—Yes, the loss of water and the loss of mechanical power; the loss of so many horse power for so many days; but then some means must be taken to put a money value on that, and there may be much difference of opinion on that point.

1600. Take the case of a mill used for manufacturing purposes; I need hardly ask you, as an engineer, whether it would be almost impracticable to estimate the value of the loss of power to the manufacturer, assuming that he had 100 or 200 men dependent on his mill powers?—The effect of any considerable loss of power to a manufacturer might be an immense loss, quite out of proportion to the ordinary money value of the power.

1601. Take a tilt hammer; take the case of water used, which is a very common case, for tinplate purposes, where 300 or 400 men are dependent on the supply of water?—The fact is that the pecuniary loss might be something quite beyond calculation.

1602. The manufacturer taking the mill, does, in fact, calculate the value to him by the minimum power?—Just so.

1603. Then all the surplus water, when it ordinarily goes over the dam, is of no value in his eyes at all?—He loses that.

1604. He does not want it?—Generally speaking, he does not want it.

1605. Is it not the fact that the money value of any interference with a manufacturer whose works are dependent on the supply of water by taking it through this aperture, or any other aperture, would be very difficult to estimate?—It would; and so far as I propose anything in the matter, I recommend that you should use an apparatus

apparatus that should prevent your taking for the purposes of the fish-way anything but surplus water, and that when there is no surplus water, no water shall be taken; that is the object of the valve, and the application of the valve then ceases.

1606. Then assuming that there was no surplus water, the fixing of a valve of this kind would be really of no effect?—If there is never any surplus water then the fixing of such a valve would be of no use at all.

1607. The worth of fixing the valve would depend on the height being uniform at this point C; it is only when the level is at C that a thickness of an inch and an eighth upon the top of the dam would be of any effect at all?—The purpose in the action of the valve is to keep the water from falling below the level of C.

1608. The action of the valve is dependent on the uniform height of the water being at C?—The action of the valve is to keep the water at that height:—to prevent its falling below that height.

1609. But assuming that you have not sufficient water for your mill, and the mill leat takes the whole of it, that valve would be altogether inapplicable, would it not?—Assuming that there was never any surplus then there is no need to construct any special apparatus.

1610. Take the case of an ordinary mountain stream, where the overplus is excessive for eight months in the year, how would this valve be of any effect there?—The valve would take effect at those times when there was a surplus just sufficient or a little more than sufficient to supply the fish-way. In the absence of some special apparatus like what I have described you would be in this condition, that there would be no supply of water for the fish-way except during times of flood; when there was only a moderate surplus you could not make use of it; it would be a thin sheet of water running over the face of the dam and quite useless; the purpose of putting a bar on the top of the crest of the dam and making a notch, supplying it with some kind of valve, is to concentrate that thin sheet of water and make it into a current sufficient for a fish ladder; and it is during the period when there is such a surplus, a surplus so small that when spread over the whole face of the dam it is of no use, but when concentrated is enough for the fish ladder, that the valve is useful.

1611. In other words, it is only when there is a variation of an inch or an inch and an eighth that this valve is of any use at all?—It is when there is an amount of water which slightly varies, from what may be called the average summer flow.

1612. Take the case of a mountain river where the flow varies every day in the year; it is only on particular days of the year that there is an inch and an eighth of an inch difference in the level of the flow of the water?—Yes, it is when the river is but a small way above the height that would leave no surplus at all that it is of use; it becomes of less use as the surplus becomes greater and greater, and when it becomes so great as to constitute a pretty deep current, rushing over the whole crest of the dam, the utility of the valve ceases; it is just as the honourable Member states it; the utility is limited to a certain period.

1613. It gives you an opportunity of enlarging your weir to the extent of about an inch?—It gives you an opportunity of keeping a fish-way when there is a very small surplus of water as well as when there is a large one.

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1614. Then, as an engineer, you would concede that where there were great variations in the flow of rivers they would be practically of very little effect?—When the variations are very sudden it becomes of less use, and they may be so very sudden as to make it of no use; it depends on the circumstance of a particular stream. There are cases where it may be of no use; but the engineer who puts it up must judge of that in the particular case.

1615. Mr. *Hambro.*] I understood you to speak of gratings across mill streams above or below the mill; and I understood you to say that such gratings would diminish the supply of water, which could be avoided by widening the channel?—Yes; you must make the opening in which the grating is placed wide enough to compensate for the obstruction made to the mill.

1616. Is that the only plan you can suggest, namely, widening the channel for avoiding that difficulty?—You can put the grating in such a position as to diminish its obstructive effect.

1617. Supposing your mill leat was 10 feet wide, and your grating 10 feet across the stream, would it not be the same if you put a grating 20 feet long, the bars being in both cases the same width?—You could make a certain diminution that way, but I should prefer either to widen or deepen the channel.

1618. But if your inlet is 10 feet, and if you put bars of one inch apart across it, you exactly diminish the width by one-half, do you not?—Yes.

1619. But supposing we put in a grating of 20 feet long, instead of 10 feet, with the same opening, either by a straight line or in a curve, you get the same result, do you not?—If you increase its length by putting it in a curve, you make it a somewhat less obstruction, but you do not do away with it altogether, because there is a certain obstruction from its causing sudden changes in the direction of the motion of the water, which would have to turn suddenly in passing into the grating, and again in passing out of it.

1620. But in cases where the leat is very deep, or the banks are of clay, could you save the necessity of widening the channel by putting a grating as I suggest?—I would rather avoid the oblique position if I could. There is one thing to be considered, the effect of the grating upon the level of the water is, generally speaking, of very little consequence. The effect is to cause the water to stand at a slightly higher level on the up stream side of the grating than at the stream below; but the difference is very small.

1621. Taking a case where there are four or five mills, and the whole of the water is dammed up at night, and by the evening, at the time when the water has been consumed, it is down four feet, would your valve be of any use?—I suppose there is no surplus above what is absolutely necessary for the mills; if there is no surplus, then of course a valve such as is described is of no use.

1622. Do you think that any contrivance which you can invent will induce the salmon to run up a river when there is very little water in it?—I believe what you suggest is quite correct, that is to say, when there is very little water no contrivance would induce the salmon to go up.

1623. When there is plenty of water, if the obstruction is not surmountable, the salmon will

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get up, if he can, will he not?—Yes; but all my calculations had reference to the intermediate condition, in which I am told the question of the salmon going up or not depends on affording him the means of getting over some particular obstruction.

1624. Mr. *Staveley Hill.*] You have spoken of gratings, have you had your attention called to the question whether it would be better, with the view of allowing a certain amount of wreck to pass through, to have the bar perpendicular or horizontal?—If there is a considerable amount of wreck, I should be disposed to place the bar in an inclined position, but that is a question to which it is scarcely possible to give a general answer.

1625. You have not thought of it, perhaps?—Yes, I have thought of it, but it is very difficult to give a general answer to that question, the engineer must see the particular place before he can answer that question.

1626. But do you think that ordinarily the horizontal position would be better than the vertical?—I beg your pardon, I misunderstood the question. On the whole I should be disposed to take the vertical position mainly because I think it is easier to give the requisite strength in that way.

1627. Mr. *Whitwell.*] With regard to the flood water and the gap that you propose to make in the weir, presuming that the water is so high at flood time that the water above the level of the weir is a pure obstruction, and nothing more, how would it be then?—In times of flood the additional height, in any case, would be practically so small that it would be no obstruction. Whatever obstruction is created by the additional height from the bar, which is put on the crest of the dam, is almost exactly compensated for by the notch.

1628. The area of the notch is not the area of the bar along the weir, is it?—No; it is not equal to the area; I should say there would be an approximate compensation; I do not say that at all times in times of flood the notch would actually let through exactly the same quantity of water that the bar would stop: it would not; the calculation is only calculated to be exact when there is just enough water to fill the fish-way and no more. But then in times of flood the height of an inch or more is of no consequence whatever on the top of a weir.

1629. Referring to the damage which is caused by floodage, to riparian owners above the weir, where an inch is of importance, then if the water which should be on a level, runs eventually over the weir, will not the surface flood water rise as much as you raise the weir itself?—No, not to the same extent as you raise the weir itself: when the surface water is but a little way above the crest of the dam, then the effect on the level of the pond is equal to the raising of the weir; but the higher the water rises above the weir in times of flood, the less is the effect of any small alteration on the crest of the dam; the reason is that the water approaches the weir with a certain increased velocity, and the quantity discharged becomes less dependent on the precise level of the crest of the dam.

1630. When the water is running on a level over the weir, and the water below the weir is as high as the water above the weir, would not the surface of the water be raised as much as you raise the crest of the weir?—Not quite; but I may add this, that the effect on lands beside the stream belonging to the riparian owners, above the weir, would be almost inappreciable.

1631. Earl *Percy.*] The notch which you propose to put in the weir would it have no tendency to weaken any roughly-built weir?—I should say not; each part of the length of such a weir depends mainly on itself; it is in a compactly built weir that it forms something like an arch, and the parts depend on each other; and, of course, whoever designs this construction must take care not to weaken the weir.

1632. It could be done so as not to weaken the weir, you think?—It could be done so as not to weaken the weir.

1633. Do I understand you to say that it is immaterial where this gap is placed on the dam, so long as it is on the crest of the dam?—It would not matter practically on what part of the crest of the dam it was placed. I have seen examples of very large notches for fishways which were quite close to the sluices by which the water went into the mill-race, and I have seen examples in which the notches were at the opposite end; and I saw no difference in the effect.

1634. But are there not some dams where the water runs more over one part of the weir than over the other?—Yes.

1635. In that case it would make a difference, would it not?—Yes; it would make some difference, and, of course, the person designing the notch must take that into account.

1636. Mr. *Assheton.*] I understood you to say that in calculating the proportions between your bar and the notch, you took the time when the water was only just at the height of the proposed bar?—Yes; when the water in the pond was just at the height of the proposed bar.

1637. I suppose that the different pressure of water at different depths is such that the area of the notch is not the same as the area of the bar?—The area of the notch is somewhat less than the area of the bar.

1638. When the river is in flood, and the whole body of the river is raised a yard above your bar, that a little destroys the mathematical accuracy of the balance between the area of the bar and the area of the notch?—Yes.

1639. But it would be to such a very small degree that practically you may disregard it?—Practically you may disregard it, because though it would produce a swell just above the weir where the water jumps over, the effect at any distance up the stream would be very trifling.

1640. I distinctly understand that your whole plan of bar and notch is merely a system for economizing the surplus water from the miller's point of view?—Yes, for economizing the surplus water from the miller's point of view.

1641. You have stated that you would prefer a simple sluice to a valve if the sluice was honestly in work?—Yes; I should prefer a simple sluice to a valve, because it is more simple and costs less money.

1642. Mr. *Liddell.*] With regard to the construction of the mill-dams and the mill race, and in fact the arrangement of water-power for ordinary mills, is that a matter that requires much skill, or are the principles so well known that any ordinary engineer can apply them?—There is a good degree of skill required, but it is not of any extraordinary kind. It depends a good deal on the magnitude of the river, the size of the works, and the power of the mill. If there is a large quantity of water to be dealt with, and a large

rge amount of power to be dealt with, it may quire a good deal of skill, but in ordinary cases here there are small bodies of water and less ower, a moderate amount of skill may do.

1643. I understand you to say that the man-gement of water is a delicate matter, which in any cases requires great skill properly to apply e rules; I need hardly ask you whether any terference with, or alterations of an existing eir is a much more delicate matter than the nstruction of one?—Yes, on the whole, I think requires more care and consideration to see at you do not make matters worse than they ere originally.

1644. But if the Legislature was to decide on y law which would require anything like a eneral or universal alteration of the weirs roughout the country, I suppose it would re-uire the employment of a very competent person deed to conduct such operations?—He ought be a competent person, and thoroughly ac-uainted with the subject.

1645. Would you suggest then that such a eneral national work, if I may use the term, ould be entrusted to the hands of one person? -I have nothing to propose on that subject one ay or the other. I scarcely can form an opinion; e question is quite unexpected.

1646. It is a question purely apart from any ersonal matter; but in view of an alteration of e law, I should like your opinion as a profes-r of engineering, whether you do not think at such a work as a general alteration of weirs, ould, in the first place, be a difficult work, and eing a difficult work, would require the employ-ent of a very competent man to conduct it?—here is a certain degree of difficulty; it is almost mpossible to convey an idea precisely of what e means by a thing being difficult work; but here is a certain degree of difficulty attaching to , and there is a certain degree of knowledge at the person or persons carrying out the work ught to be possessed of, yet it is not a very un-mmon degree of knowledge.

1647. But do you not think that the appre-ensions of mill-owners might be allayed (they ould naturally be roused) by a man of very high anding in his profession being employed gene-ally for this particular purpose?—I do not know; may state in explanation that in the cases which am most familiar with, the millowners were ersons who employed skilful engineers of their wn accord to design, construct, and superintend e works, and they spared no pains and no ex-ense to have the works done in a manner that was oth scientific and practical; therefore, I have arcely any experience or knowledge of what ight be the feelings of the great mass of mill-wners in the matter. My communications have een with the owners of great factories, employ-ng very large water power, and who were willing spend money in employing skilful men to carry ut the work for them.

1648. I need hardly ask you whether a man ho had gone to that expense would object to aving his dam interfered with by a less skilful ngineer?—He would, no doubt, object to having is dam interfered with by a less skilful engineer; ut there is no difficulty there, because in works f that class the owners will either have made roper provision already for the passage of the ish, or they are able to see that it can be done without troubling their interest.

1649. But suppose that the Home Office to undertake this task, do you not think that it would be absolutely necessary in order to obtain the public confidence that the work should be well performed, that the Home Office should employ a very skilful man to superintend generally those operations?—If your question has reference to whether it would be better to employ one very skilful man, or two, or many, I cannot answer that upon the first hearing of the question.

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1650. *Chairman.*] But I may ask you whether any alteration of a mill-dam would not of necessity involve the employment of competent engineering skill?—Yes.

1651. But whether that should be by means of an engineer employed under Government for the whole country, or by a local engineer who would be called in in each particular case, you have formed no opinion?—No, I have formed no opinion upon that subject; I think I can see that it can be very well done either way.

1652. But probably if a competent person were employed under the direction of the Home Office it might secure the public confidence?—I cannot tell which is the best plan to secure the public confidence.

1653. You said that the opening in the weir would draw down the level of the water only unless means were taken to prevent it; but does not the whole of your explanation tend to show that you may prevent the water from being drawn down and yet supply the fish-pass with an adequate quantity of water?—Yes; that is the object of my evidence.

1654. The honourable Member for Westmoreland asked you whether trees coming down the river would not injure the valve; would not a properly constructed flood guard entirely prevent that?—Yes, a guard such as is commonly put up for the protection of sluices or anything of that kind against floating trees would prevent that.

1655. In fact, an ordinary guard, such as is in common every-day use?—Yes.

1656. You have stated that you would prefer the use of a board instead of a valve?—Yes, provided the person in charge were trustworthy.

1657. If the board were entrusted to the miller who required the supply of water, it would of course be attended to whenever his supply would be likely to be diminished?—Yes.

1658. It requires very little trouble, does it not?—Yes, the duty can be done by the man who must be kept to look after the sluices.

1659. In fact it involves no additional trouble? —No; I may state that I have seen it in operation.

1660. In answer to the honourable Member for Cardiganshire, you said that you could only calculate the decrease of horse power?—Yes.

1661. Of course the calculation with regard to the money value would be different in every case? —Yes, it might differ in different localities.

1662. And in different mills?—Yes, it is not difficult in a manufacturing town, for instance, to ascertain and set down so many pounds per annum as the value of the horse power; but I understood the honourable Member to refer to the contingent damage that might occur through interruption to the works, and loss of time, which it might be almost impossible to estimate.

1663. But take the case of a small corn mill; that would be much more simple, would it not? —I believe it would.

1664. The plan which you have pointed out to

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the Committee shows, in your opinion, how you can make an opening through a mill dam, which would be sufficient to supply a fish-pass, without diminishing the supply of water to the mill?—Just so.

1665. In your opinion, does the plan which you propose effectually secure that object?—Yes, I believe the plan will effectually secure that object.

1666. It secures an opening through the dam, so as to make a proper fish-pass available at certain times?—Yes.

1667. Yet not injuring the milling power at all?—Not injuring the milling power at all. In an actual dam, where there is an existing fish-pass properly constructed, the crest of the dam must actually be on the level at which it would have to be put, if there were a new fish-pass made in a dam previously without one. I refer to cases in which the fish-pass and the crest of the dam all formed parts of one original design. But suppose there were no fish-pass there, the crest of the dam must have been made lower to the amount I have calculated, in order to let the water run over, which now does run through the fish-pass.

1668. With regard to existing dams, in order to compensate the millowner for the loss of water by the aperture, you propose to compensate him by raising the dam?—Yes, to prevent his suffering any loss.

1668*. You propose to provide another supply equal to that which passes through the opening?—Yes.

1669. So that the miller would not be injured at all with regard to his milling power?—He would not.

Tuesady, 20*th July* 1869.

MEMBERS PRESENT:

Colonel Amcotts.
Mr. Assheton.
Mr. Dodds.
Colonel Edwardes.
Mr. Hambro.
Mr. Henry Herbert.
Mr. Knatchbull-Hugessen.
Mr. Liddell.
Mr. William Lowther.
Mr. Pease.
Earl Percy.
Mr. Evan Richards.
Mr. Whitwell.

JOSEPH DODDS, Esq., in the Chair.

Mr. Francis Trevelyan Buckland, called in; and Examined.

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1670. You are one of the Inspectors of Salmon Fisheries, are you not?—Yes.

1671. How long have you been so?—Three years next February.

1672. What is your profession?—I have taken my M.A. degree at Oxford; I afterwards had charge of the 2nd Life Guards as assistant surgeon for nearly seven years.

1673. You have studied natural history, I believe, as applied to practice in the production or food, as much as most men in this country?—I saw the importance of studying natural history as applied to practice, and gave up my profession to devote myself to it.

1674. You have devoted yourself to it for some years, have you not?—Yes, entirely, for six or seven years.

1675. I believe that for some years past you have given special attention to the subject of salmon fisheries?—Yes; I saw that salmon fisheries could be much benefited by scientific and careful attention being paid to them.

1676. Do you conceive that by means of taking care of the salmon, the supply of a valuable article of food for the benefit of the public may be very largely increased?—Yes; I am quite certain of it.

1677. Following the words of the Commission of 1860?—Yes.

1678. The difficulties and dangers that the salmon has to encounter from a point from which we might perhaps start, I believe you have a diagram showing some of those difficulties and dangers?—Yes; I have always been accustomed, in explaining a salmon fishery, to put the life difficulties and danger of a salmon forward at one glance, because it is a very large question, and there are very many other matters besides weirs to be considered (*the Witness exhibited a coloured diagram of a river from the estuary upwards*). I begin on the assumption that it is impossible to legislate for any animal without knowing its natural history, and without studying what causes affect the increase or the diminution of that animal. The salmon is a thing which hitherto has puzzled philosophers very much, but we are gradually beginning to learn what its secrets are, and we shall be able to give it facilities which hitherto it has not yet enjoyed. In considering the history of the salmon, we must not forget this, that it is more a sea fish than a river fish, and that it is ordered by a kind Providence to ascend from the sea at certain times of the year, in order to deposit its eggs in the fresh water, and at that time, and that time only, it becomes within the power of man to deal with it; when it is in the sea, we have nothing to do with it; it gets fat there, but that is no concern of ours. Now, in ascending from the sea, there can be no doubt whatever that the salmon assemble together to go up in herds. They are not a solitary fish like trout, they are gregarious fish. The state of the air, the water, and electricity, &c. affects their systems very much, and prompts them when to ascend and when to keep back, when to remain in the salt and when to take the fresh water. The first thing that they meet with on arriving in the estuaries are nets. Now, stake nets are mostly done away with in England, but there are certain fixed engines called putts and putchers in the Estuary of the Severn, and I do not think they do much harm. Then we have another form of net, called "stop nets," which is a legal mode of fishing.

1679. That is the system resorted to in the Duke of Beaufort's fishery, near Chepstow, is it not?—A man puts long poles into the water, holding the net round on the other side of the boat; the moment the fish touches the net he lifts it up.

1680. Before you go any further, will you kindly explain to the Committee how the putts and putchers work in the Severn?—The putts and putchers are a series of conical baskets, the mouths being so placed as to catch the fish both ways.

1681. Both during the ebb and the flow?—Putchers are fixed in rows, with their mouths both up and down stream.

1682. Mr. *Liddell.*] What is the difference between a putt and a putcher?—A putt is set with its mouth up the river, and takes small as well as large fish.

1683. *Chairman.*] They only exist on the Severn, I believe?—They only exist on the Severn.

1684. And only on one side of the Severn, I think?—On both sides. Then we have sweep nets and draft nets, which are generally worked at the point where the fish naturally stop to rest.

1685. Are the fish all landed upon the shore?—Yes, they are landed upon the shore.

1686. The net is drawn round by fishermen in boats, gradually to the shore and the fish landed there?—

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there?—Yes. Then we have in the Ribble a peculiar kind of fishing which is "haaf-net" fishing; a man stands in the water with a kind of enlarged shrimp net and fixes the bottom of it on to the ground. This book (Traité Général des Pesches: Paris, 1769) gives drawings of most of the modes of salmon fishing.

1687. Returning to the stop net at Chepstow, will you kindly take up the subject again there?—I was going to say that the next destructive form of net, and it has really proved so, is the "hang net," which is used in the Tyne and the Tees. The hang net is fairly represented by a drawing in this fishery book; it is a net which is supported by corks near the mouth of a river and floats gradually along; it is of a very large mesh; in fact, the mesh is so large, that when the fish puts his head into the mesh he is killed and cannot get out again, so that the net kills both the clean and the unclean, the half clean, and everything.

1688. In fact, before the fisherman can know whether the fish is a clean or an unclean one, it is hung in the net?—Yes.

1689. And destroyed?—And destroyed. There is no limit to the length of those nets by Act of Parliament.

1690. Are they not very injurious, and do not the fish knock themselves about very much in them?—They knock their scales off considerably.

1691. They come to the market very much bruised, I believe, if caught in this way?—I cannot speak from practical knowledge, but I believe so. Then we have in the sea a great many different enemies of the salmon, such as seals, porpoises, hakes, cormorants, dogfish, black pollock, and angler fish. This may seem at first sight to be merely a question of natural history, and not applicable to anything at all; but I believe that it does not always do to breed too many fish or young smolts, because it is just possible that these creatures find out the moment the smolts come down, and they congregate in numbers when the smolts descend. We will suppose the parent fish to try to ascend from the sea towards the upper water in order to deposit its eggs, and this purpose, and this purpose principally, will induce it to leave the sea. Upon leaving the sea it meets with nets, and if it passes the nets it has to encounter a great many other very formidable and important difficulties. The first difficulty is pollutions from towns; now if you want to know what a right good pollution is, you must go to Gloucester and take a boat just where the sewage comes out of the town of Gloucester. I am sorry to say that they are going to build a weir below that sewage, and if it does not kill some of the Gloucester people I shall be very much astonished. The town sewage drives the fish back because the salmon has a most sensitive power of smell, and this must not be forgotten. It is not exactly killing the fish, but you may drive them back by making the water stink. The sewage of towns is not pernicious as it comes out of the sewers themselves, because, as we all know, the best angling for ordinary fish is generally at the mouth of sewers. But when the sewage is stopped by a weir below and it begins to decay, it is then that it becomes pernicious to the fish. Then we have also from towns gas sewage; the sewage from gas is certainly very injurious to the fish.

1692. I may perhaps remind you, that having regard to the fact that a Royal Commission was issued some years ago with regard to the pollution of rivers, and to the circumstance that they have already made two or three reports, and are likely to make another report soon, this Committee does not intend to go very deeply into that question of pollutions?—I am very glad however to be able to mention this evil at all, because it is as important to the fish as it is for human beings to have fresh water. The chief pollutions are chloride of lime, sewage, decayed sewage, petroleum, refuse from lead and copper mines, from alkali works, from tin-plate works, from coal washings, from cinders, and from clay works, and in some cases Welsh rivers are blocked up by means of slates.

1693. I suppose you know that alkali refuse is very destructive to the salmon?—Yes, no doubt. The salmon having got through the town sewage as well as it can, meets with weirs, and here comes its worst difficulty and danger. I think that weirs may be considered as one of the greatest obstructions in the development of salmon fisheries.

1694. In fact, if salmon cannot get over weirs the breed must become extinct?—Certainly; but in the autumn time of the year the water generally rises so that it will let a great number of salmon over the weir, whether we like it or not.

1695. You have yourself seen the Dinsdale Weir in such a condition, have you not?—Yes. If the salmon gets up to the spawning beds, which may be 20 miles off, or, as is the case of the Rhine, nearly 300 miles, for distance makes no odds to the salmon, it meets with a great number of dangers, such as men poaching, and otters; then there is the question of too many fish using the same spawning beds. The eggs being laid by the salmon become subject to floods, which wash them completely away, or to drought, which leaves the eggs high and dry, or to frost, which freezes them up, or to mud brought by floods; or, when they are nearly hatched, to ducks, which are most destructive things in trout and salmon beds, or to water insects, which eat them in great numbers. Then, suppose the fry to be hatched, the fry immediately have an enormous number of enemies. Thus the mill leats suck them in as they are going down; then pernicious fish, such as the jack or the old kelts eat them, or the perch, or the kingfisher, or grebes, or herons, so that the young fish have a great many enemies as well as their parents. In passing from the sea before the old fish can deliver its ova and deposit its eggs, and get its eggs hatched, and come down again, the salmon has, as a rule, 50 enemies of a deadly character, natural and artificial, and it is with those enemies that one has to deal in considering the laws of salmon fisheries.

1696. I am desired to ask you, by one of the honourable Members near me, whether you include eels among the enemies of the salmon?—Some say, yes, and others say, no; my opinion is that they are, and therefore I say, yes.

1697. It is a moot point, however, is it not?—It is; but the weirs are the things which we should first consider.

1698. Will you describe to the Committee, first of all, how the weirs act injuriously?—I would begin by classifying them: first of all, there are the manufacturing weirs, such as we have on the Ribble; secondly, weirs for irrigation; thirdly, weirs for navigation, or canal purposes; fourthly, water works, that is, for the supply of towns

towns with water; fifthly, corn mills, which I would not include under the head of manufactories; then there are natural weirs or rocks, which may or may not do harm. Weirs are made of wood, stone, broom faggots, and hurdles. Sometimes the openings in the weirs are guarded by "racks."

1699. Something like a hurdle, in fact?—Yes. Then these weirs act in two ways; they serve two purposes; first of all they turn the mills, and secondly they sometimes serve for fishing purposes.

1700. You are now dividing weirs into mere dams, fishing dams, and fishing mill dams, are you not?—Yes; the weirs used for fishery purposes may be divided into fishing mill dams, and fishing weirs; then we have simple dams.

1701. Those that are dams merely for ponding up the water, those that are dams with a fishing implement of some kind attached to them, and those that contain a fishing implement and also supply a mill, or something of that kind?—Yes, quite so. The question of dams, pure and simple, appears to me to be a question of "bread *versus* salmon," and fishing mill dams are the same; because they drive water on to the wheel, and at the same time are used for fishing purposes, but I do not think that the points of bread *versus* fish are entirely incompatible. I believe that the two interests may, by a little management, be brought to meet each other. The weirs act injuriously on the fish, because they stop them and discourage them when they are on their upward march; and if you wish to destroy a river, unquestionably you should build a great many dams upon it.

1702. That state of things exists in a great many rivers in England at this moment, I believe?—Certainly.

1703. Mr. Walpole has referred, in his last Report, to the extent to which these weirs entirely shut out the salmon?—Yes.

1704. Will you be good enough to give the Committee some few instances of salmon rivers from which the salmon is entirely shut out by weirs?—I think you may begin with the Tees; the Dinsdale Weir, as everybody knows, operates very prejudicially in preventing the fish going up; it is, in fact, so to speak, the "key of the hall door," which locks up a number of miles of spawning bed.

1705. But still the fish do get over it at times?—Yes.

1706. But there we have an illustration of another artificial barrier to the fish, over which no salmon can get?—Just so.

1707. Will you kindly give the Committee a few cases of artificial weirs like that of Dinsdale, above which no salmon can get at this time; take the Swale, in Yorkshire, and the Topcliffe dam, on the Swale?—I have never seen that. On the Ouse there are two tremendous dams which are both navigation weirs, and very obstructive; there is one at Tadcaster on the Wharfe, which is very obstructive.

1708. Do the salmon get over it?—Yes. There are four weirs on the Severn that obstruct the fish very much indeed; and I am sorry to say that they are going to build two more weirs at the bottom of the Severn. Those weirs on the Severn shut out 178 miles of river, and 4,437 miles of spawning beds; besides, there are 72 weirs on the Severn which Mr. Miller has reported upon. Then there is the mill-dam at Chester-on-the-Dee, against which I have inveighed ever since I have been an inspector. At certain seasons of the year not a single drop of water is going over this mill dam; it all goes under two corn mills.

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1709. Is that at the city of Chester?—Yes; you can see it by looking over the bridge. The salmon come up every tide; as they cannot go over they turn back, and the fishermen have a double chance to catch them. Then there is the weir at Clitheroe on the Ribble, which is generally dry when the fish ought to be going up, and which we hope to be able to surmount with facility.

1710. That dam at Clitheroe is the key to the spawning beds, is it not?—Yes.

1711. If the fish do not get to the spawning beds they become extinct, do they not?—Yes; and I may add that the only limit to the productiveness of a river is the extent of the spawning beds. We must take care not to take the area of the catchment basin as the test of the producing power, because one-half of that may be mud. Then we have the Axe, at Axminster, and there they are stopped by a terrible weir. Then there is the Exe, at Exeter. In Queen Elizabeth's time they used to have a great many salmon in the Exe, but there are four weirs now upon the Exe, which keep back the fish in the winter, and which prevent them getting up on to the fine spawning beds of Exmoor.

1712. There is a ladder there, I believe, but it is ineffectual?—Yes. Then the river Camel has fine spawning beds, although the water is much polluted with clay. There is a weir at Bodmin which is almost insurmountable. Then there is a weir that stops the fish at Haverfordwest.

1713. What kind of weir is that?—It is a mill weir.

1714. Colonel *Edwards.*] Do you mean the paper mills there?—Yes.

1715. *Chairman.*] Is it a fishing weir?—No; it is a simple mill. Then there is a terrible weir on the Itchen, just above Southampton; but the fish manage to crawl through it sometimes. Then there is the Stour, at Canterbury, which has a great many weirs upon it; but I think that we have managed to doctor them pretty well. The Dorsetshire Stour also has a great many weirs upon it. Then there is a natural weir at Kenarth, on the Teivy, in Cardiganshire, which is a bone of contention between the salmon and the milling people, and ever will be. We hope we shall be able to get the fish over this weir.

1716. What height is the Kenarth weir?—In low water I should say eight or nine feet would be the height, but when there is any spate it is lessened directly.

1717. Of course where there are weirs, whether natural or artificial, which are so high that the fish cannot pass over them to the spawning beds, there can be no question; but even in rivers where fish do get over them occasionally, do you not find that they act most injuriously?—Certainly they do.

1718. Will you explain to the Committee the circumstances of the two rivers, that form the boundaries of the county of Durham; the Tyne forms the northern boundary for a considerable portion, does it not?—Yes.

1719. Upon the Tyne, was there formerly a dam called the Bywell Mill Dam?—I have heard of it, but I never saw it.

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1720. But do you know, as a matter of fact, what the effect of that Bywell Dam was on the Tyne?—Yes; I know, as a matter of fact, that the presence of that dam was to keep back the products of the Tyne river to a very great degree.

1721. The consequence, I believe, was, that there was very little salmon of late years in the Tyne prior to the year 1861?—Yes, quite so.

1722. I believe that the owner of the Bywell Dam was Mr. Wentworth Beaumont, the colleague of the honourable Member near me?—Yes.

1723. In 1861, when the Salmon Fishery Act was passed, did Mr. Wentworth Beaumont abate that weir?—Mr. Wentworth Beaumont, I believe, of his own free will, knocked it down.

1724. He did not try any experiments, and waste money over a useless fish ladder, but simply levelled his own dam?—Yes; and I wish there were more like him.

1725. And without any compensation?—Yes; it was his own property.

1726. What is the effect of that improvement on the salmon fishery of the Tyne?—The effect was to let a vast number of spawning fish up to the spawning beds, the consequence being that a vast number of young fish came down, and these young ones are now reappearing in the London markets as food for the people.

1727. I see, on referring to the Appendix to Mr. Walpole's Report, that 1,272 men were employed in the salmon fishery in the Tyne last year?—My colleague will tell you more about that than I can.

1728. But you know, do you not, that in consequence of the removal of that dam the salmon fishery of the Tyne has been enormously improved?—Yes, *plus* protection, when the fish get up.

1729. But the very foundation of the improvement of the Tyne fishery was the removal of the dam, was it not?—Yes, I believe so.

1730. On the south side of the county of Durham we have the Tees forming the boundary between Durham and Yorkshire, have we not?—Yes.

1731. And the dam you spoke of, the Dinsdale Dam?—Yes.

1732. Is that a dam very similar in character to what you understand the Bywell Dam was?—Yes.

1733. Do you believe that the removal of the Dinsdale Dam would produce the same effect on the Tees, combined with the preservation of the fish afterwards, that the removal of the Bywell Dam did on the Tyne?—Yes, to let the fish up; but I must be careful in saying this, that so far as I can recollect, when you showed me the upper waters of the Tees, they were greatly polluted so that there is an element to meet in the Tees which does not exist in the North Tyne.

1734. Did the South Tyne form part of the Tyne at Bywell?—The North Tyne is the great spawning bed of the fish in the Tyne.

1735. Are you not aware that there are many excellent spawning beds on the Tees that are not polluted?—Yes; I only modify my answer to some extent; I believe the destruction of Dinsdale dam would be the making of the salmon fishery of the Tees.

1736. Do you think that it would improve the salmon fisheries of the Tees?—There is no doubt of it.

1737. To an extent far beyond the mere value of the Dinsdale corn mill?—I would myself sooner have the fisheries than the mill, and the product of it; of course it depends upon the value of the mill.

1738. You have seen that mill, have you?—Yes.

1739. What should you say was the annual value of it, suppose it is 20 *l.* to 50 *l.* a year?—You would get that in two hauls of a net after the dam was down.

1740. The improvement of the salmon fisheries of the Tees would multiply that indefinitely?—It would be the making of the Tees.

1741. But if that dam could by any means be removed, would it not increase the value of the salmon fisheries of the Tees, to an extent far beyond the value of the dam in connection with the mill?—I have no hesitation in saying so; I beg to submit to the Committee a picture of the Dinsdale Mill (*producing a photograph*).

1742. The height is between 6 feet and 7 feet in ordinary states of the water, is it not?—Yes; the Dinsdale Dam acts like many other dams, very injuriously, inasmuch as it stops the spawning fish; they keep jumping and jumping at the weir until they exhaust themselves; they then get very tired, and can hold their eggs no longer; they then deposit them below the weir, where they are mostly destroyed, because they lay their eggs in masses one over the other.

1743. The moment one salmon has deposited its eggs, another one comes and turns them up?—Yes.

1744. There is a distance of three or four miles between the tidal limits and the Dinsdale Weir, is there not?—Yes; but that is not enough.

1745. Would you kindly describe to the Committee the process of salmon spawning?—The salmon first of all selects a place which nature tells it is good not for itself but for its young; that is to say, it selects gravel of a certain size, with a certain depth of pure water running over it; it then, with its tail (never with its nose), scoops out a mass of gravel; the female then goes in front of the excavation which the pair have made, and sheds her eggs, shaking them out like shot out of a cullender, with a tremulous motion of the tail.

1746. Just as corn is shaken out of a riddle, I suppose?—Yes; the eggs at that time are perfectly loose. Here is a coloured cast of a salmon that was taken just as she was going on to her nest (*producing a model*).

1747. I may ask you whether that is not as exact a representation as it is possible to make, being a model painted by one of your friends, I believe, to make it an exact representation, not merely in form, but also in the size of the salmon?—It is a cast made by myself, and coloured by Mr. Rolfe.

1748. Those grains that are loose in the abdomen of the fish are the ova coloured salmon colour?—Yes; there is generally about 1,000 of them to the pound.

1749. That is to say, at the time when the fish is ready to deposit its spawn?—Yes; the number of eggs in this case was 10,626; if the fish weighs a pound, there are generally 1,000 eggs in it.

1750. A 50lb. fish would have 50,000 eggs in it, then?—Yes, about that; then the male fish attends upon the female, and as the eggs are passing into the gravel, the milt is thrown over them

them by the male fish; and if you watch it carefully, you will see that milt going down the river in a dense thick cloud. Upon examining it with a microscope, you find it to be a living cloud of spermatozoa, containing millions and millions of little creatures floating down the river; one of them touches an egg, and the instant it touches the egg, the latter becomes impregnated and vitalized, and then the egg is left buried in the gravel.

1751. You have now got the female depositing the ova, and the male the spermatozoa; is the egg covered up after that?—Yes; then the eggs are covered up with another operation of the tail; the female salmon covers over a certain quantity of eggs, but it is done in a very rough way; then the eggs remain quiescent on the gravel, and if they are not destroyed by some of their enemies, in course of time the little fish can be seen in the egg.

1752. Mr. *Liddell.*] What is the time of the year at which it can be seen in the egg?—It depends entirely upon the temperature. If it is warm the embryo is soon developed, but if it is cold it will remain dormant long enough to be packed in ice and go to Australia; about 90 days is the time, as a rule.

1753. *Chairman.*] You have yourself, I believe, so sent them to Australia, and that brings us to the question whether the rivers in the south of England will not be earlier on account of temperature, than the rivers in the northern part of the kingdom?—I have plenty of evidence on that subject to produce to the Committee.

1754. Of course it is all important that the ova deposited in the gravel in that way should remain undisturbed?—Yes.

1755. Until about how many days should it remain undisturbed?—About 90 days, under ordinary circumstances.

1756. Will you be good enough to state to the Committee the months during which this chiefly goes on?—During the month of December. About Christmas week, in the north the fish are nearly always at work depositing the ova, and they go on through January.

1757. You consider that about 90 days elapse from the time when the parent fish deposits the ova until when?—Until the fish comes out as a helpless little bit of jelly.

1758. Can it then take care of itself?—No, it is perfectly helpless; the little creature comes out as a simple mass of jelly, perfectly helpless, and it still remains in the stones until the peculiar bag from which it absorbs its nourishment has entirely gone away; that is to say, there is contained in the bag a quantity of albumen or white of egg; the fish lives entirely upon the absorption of this; there is nothing small enough for the fish to eat, and, therefore, nature has packed up its nourishment in this shape while it is under the stones; there is no necessity for it to move out from under the stones; as the bag gets smaller so the fish gets larger.

1759. And by the time the bag is exhausted what happens?—He comes out a fish and then he is able to take care of himself; he comes out in spring just when the flies are coming out; I can show you salmon hatched this spring by myself now a little over an inch in size.

1760. Will you be kind enough to inform the Committee what the effect is upon fish of that kind of a weir if they are forced to deposit the ova in a short space, say between the Dinsdale Weir and the tidal limits?—The effect is that there is no stock of fish for the river to go on with, and possibly the old ones may die.

1761. Does it not very frequently happen that, after one pair of fish have deposited the ova and milt in that way, another pair will come and disturb it and prevent its ever hatching?—I have often heard of cases of the fish making their nests one over the other.

1762. That entirely destroys any possibility of its ever coming to maturity, does it not?—Certainly; cases of this kind suggest the desirability of catching the salmon at the foot of the weir and taking the eggs.

1763. That is done to a very considerable extent, is it not?—Yes; in cases of that kind I should suggest, as I have done before, that the salmon which are collected at the bottom of the weir should be caught with a net and the eggs taken from them, and that these eggs should be placed in boxes at the side of the weir; by simply running pipes into the head water of the weir (2-inch pipes will do), the water might be carried to these deal boxes; you may put 10,000, or 20,000, or 100,000 eggs into the boxes, and hatch them, turn back the old fish, and then have the young ones to distribute in the upper water.

1764. You would substitute artificial breeding places for natural ones?—In some cases I would, but I do not believe in artificial hatching as a rule; I used to believe in artificial hatching, but now I do not; it is comparatively of little use by the side of natural breeding.

1765. A better remedy is that the fish should be enabled to get freely from the sea to the spawning beds without interruption by one means or other, is it not?—Yes; there is no comparison between the two.

1766. In some cases, take for example, the case of the Bywell Dam, it is probably the best course that the dam should be removed altogether?—I have no hesitation in saying so.

1767. And in all cases where persons who are interested in salmon fishery rivers, the landowners, and the persons who contribute license duties, and so on, are willing to contribute funds to buy up a great obstruction of that kind, is it not desirable in the first place that there should be the power to do it, making proper compensation for every interest connected with the dam?—As a salmon inspector I think so, decidedly; but I am no lawyer, and I cannot say whether that interferes with rights of property or not.

1768. But you know, do you not, that the rights of property are interfered with every day, by railway companies for example, when it is thought desirable to make a railway; but the Legislature provides that the owners shall be liberally compensated for what they give up for the benefit of the public and of private companies?—That is so.

1769. Without that, I suppose no railway could ever have been made to any important place in the kingdom?—No.

1770. Do you not think that under similar circumstances similar powers should be conferred with regard to obstructions to the development of salmon fisheries?—I think it would be a very good thing for the salmon fisheries if power were given to purchase dams.

1771. And a good thing for the general interests of the country, having regard to the enormous extent to which salmon might be produced?—It depends upon local circumstances,

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because you might buy a dam, and there might be no spawning beds.

1772. But suppose those interested in the salmon fisheries deemed it expedient to buy a dam, and that they were prepared to pay the full value for it, do you think that any harm could follow from such a power?—As an individual I should say not, but that is for Parliament to settle.

1773. You have reported in favour of the provisions of the Lands Clauses Consolidation Act being applied to property of that kind, have you not?—Yes.

1774. You believe that it would have a most beneficial effect on many of the salmon fisheries of the kingdom, do you not?—I am sure of it, if compensation was given.

1775. Compensation being always understood?—Just so.

1776. Now there are many cases where these dams are connected with important works; have you paid any attention to the best mode of surmounting those dams as a substitute for their entire removal?—I have paid very great attention, indeed, to the structure of salmon ladders.

1777. Is it your opinion that in very many cases an efficient mode of passing over dams and weirs may be constructed?—I think so.

1778. In erecting fish passes what, in your opinion, are the chief points that should be borne in mind?—The chief point that should be borne in mind is to reconcile your passes with the instinct of the fish, and to remember that you have a wild animal to deal with, a very timid creature, a sort of water fox, and that he will not go exactly where you want him to go.

1779. He will follow his natural instinct?—Yes; in order to understand him you must imagine yourself to be a fish.

1780. The fish usually desire, as far as possible, to meet the stream, do they not?—Yes; therefore, you should put your ladder, if you can, in what is called the predominant current of the stream; first of all, find where your predominant current is, and if there is none, you must make a predominant current.

1781. You may have a predominant current close in shore, where the greatest facilities are given to poachers, and it may be desirable to divert it more into the middle of the stream, may it not?—Yes; the fish will always follow the predominant current.

1782. Secondly, you must not have the ladder too steep?—Just so.

1783. And not so that the water flows with so much velocity, that the fish cannot stem it?—Just so; generally a slope of one in seven is about the right; I would much rather see it one in eight, at one in seven the fish go easily over.

1784. With a current of one in seven, if that continued for a sufficient distance, I suppose the velocity would be so great that the fish would not get up even that gradient?—Yes, just so; you must not have the ladder too long. If we could make it on the same plan as the Ballysodare ladder, that would do.

1785. That is near Sligo, is it not?—Yes; it is on Colonel Cooper's property. Supposing this (*pointing to a model*) to be the weir, and this to be the ladder placed on it, you take the steps of the ladder to the top of the weir from the place where the fish are assembled at the bottom of the weir.

1786. The salmon swim up the natural course of the stream as far as they can?—Yes; they assemble under the weir in a hole.

1787. And they attempt to spring over it, do they not?—Yes; they attempt to spring over it; but if the entrance to the ladder is 30 yards away from where they are, they have not the sense to turn back and go up the ladder; and, therefore, the ladder is of no use; you should cut the ladder in half.

1788. You mean take it so far down the stream, and then turn it back again?—Yes; so as to bring it back to where the fish is.

1789. Near the foot of the dam?—Yes; then the ladders are very often so placed that they have too much water in them, and I know several instances where the fish having got into the ladder are just jerked out again in a moment.

1790. The water rushing down with too great a velocity, I suppose?—Yes; the water running down with too great a velocity.

1791. Not that you have too much water, but that the water is rushing down with too much velocity?—And too much water also; I have seen the water boiling over on both sides of a ladder.

1792. Is it not a question of velocity rather than volume of water?—No; and secondly, you may have a ladder with too little water; these points have all to be looked at and considered if you wish to make any use at all of the ladders now in existence.

1793. You must have a ladder of a proper gradient, commencing at a proper point, and ending at a proper point, with an adequate, but not an excessive, supply of water flowing through it?—Yes; the fault of most of the old ladders is having too much water in flood time; and experience has led to the invention, by Mr. Alex. Miller, of a flood guard. This consists of a portion of wood placed at the head of the ladder itself.

1794. It is placed above the dam, is it not?—On a level higher than that to which the prevailing floods rise; the consequence is, that when the flood comes it does not come rushing into the ladder, but it is thrown off to the right and to the left by the boards, which are placed like the prow of a ship; only a certain quantity of water is thus allowed to come into the ladder for the use of the ascending fish. If flood guards were applied to many of our ladders at the present time, they would be of the greatest possible service, inasmuch as these ladders might be made useful, whereas they are now useless.

1795. We have heard of a kind of ladder called the Forsyth ladder; what is the meaning of that expression?—There was once, as I understand, an engineer named Forsyth, and he, I believe, invented this ladder.

1796. How long is it since he flourished?—I do not know. He invented this ladder, of which I produce a diagram. Mr. Ffennell and Mr. Eden sent it all over the country as a *sine quâ non*, to get the fish up every weir. When my colleague and I went to inspect the so-called Forsyth ladders, we found that they did not act.

1797. How did the ladder get that name; was it given to it by Mr. Ffennell and Mr. Eden?—No; his name is at the bottom of the official plans. We found that these ladders did not act, and my colleague and myself agreed to show to the public how many were non-efficient and how many were efficient.

1798. And hence the list published in the

2nd Appendix to your Report of last year?—Yes, in which we show there are 43 non-effective Forsyth ladders, many of them built at very great expense; six efficient and eight partially efficient; then I analyse the others by saying that there are 12 ladders made upon the pool system that are effective; I also stated in the report that both my colleague and myself are perfectly convinced, by a little management and knowledge of the habits of the salmon, a great many of these ladders can be made serviceable. I will give you a list of the ladders that may be made available. There are about 12 or 14 that may be made available by different plans.

1799. One word with regard to this Appendix; does this Appendix contain a list of all the ladders or passes that are in operation throughout the kingdom?—As far as my colleague and I know.

1800. It does not follow that all those ladders have been put up since the Act of 1861, does it?—No, it does not follow; some of them are old, but I cannot fully answer that question.

1801. But at all events it does not represent anything that you have manipulated in any way, or your predecessors?—My predecessors were answerable for most of them.

1802. Can you give the Committee the exact number of those ladders that have been altered by yourselves or your predecessors?—I cannot do it off-hand.

1803. But it is a list of the whole of the fish passes or ladders that exist in England and Wales at present?—As far as my colleague and I know. There is a celebrated pass placed up on the Conway, which was thought a great deal of at the time.

1804. We see from your list that the bulk of them are non-effective?—Yes.

1805. What do you suggest with the view of rendering them effective?—Most of them require flood-guards; some of them require the stops to be altered; that is to say the portions of wood which run across, or three-fourths of the way across, from side to side, do not act properly, inasmuch as the water comes down in the form of an S with great velocity, and that does not suit the fish. Then you might alter the base of these ladders considerably, and you might also make obstructions below them, so as to bring the fish into the entrance.

1806. I gather from your evidence that you think the pool system is applicable to most of these so-called Forsyth ladders?—The pool system may be used to improve the Forsyth system.

1807. Is that the system that you recommend?—I think that the pool system is very superior to the Forsyth system in every respect.

1808. Will you describe to the Committee the pool system which you recommend?—The pool system consists in the very simple fact, that if you want to lessen the height of a weir for the fish to jump over, you must heighten the water on the face of the weir, so that if you have a weir six feet high, and you made an obstruction below it, which is four feet high, that would bring the water up to within two feet of the surface, and the fish would only have four feet to jump instead of two.

1809. But why not have it three feet?—It is very immaterial.

1810. That would form a second dam below the principal one?—Yes, that would form a second dam below the principal one. This model (*producing a model*) shows what I propose in the case of a weir on the Cothi, above Carmarthen, that is six or eight feet high, which fish cannot pass except in flood. I propose to form, by means of obstructions, a series of pools, so that the fish can do in three jumps what he has now to do in one jump.

1811. Would not the salmon swim up on each side?—No; it so happens that the pool is at the foot of the proposed ladder.

1812. How far is that from the dam?—I dare say about 12 or 14 feet, or more. This model shows one of the most successful ladders in England; it is on the Dee, and was made by Mr. Mostyn Owen; it is fixed to the Pentrefellyn Weir; it is made on the pool system. This is a slanting weir, seven feet seven inches in perpendicular height, having a slant or slope of 21 feet, and upon this a ladder has been fixed since the year 1863 by Mr. Mostyn Owen; it consists of a series of pools built with strong timber; old trees and great beams and baulks of wood; these Mr. Owen considers act as supports to the weir. The model is made on the scale of 1 inch to 1 foot, and the shape of the weir is represented by stones and cement. The pass is 9 feet 3 inches broad, and is in the centre of the weir; the top sill of the weir is cut down about 3 inches only at the point where the pass is fixed.

1813. That is to say an opening 9 feet 3 inches by 3 inches is made?—Yes. I will read Mr. Owen's description. "A good water rises, so as to cover the lowest compartments, and all being full of water the water runs over all because it comes in through the lowered top upper portion; the partial openings between each pool are not above two feet wide, consequently the water is more than enough to fill all the pools. The only alteration of the model from the original is, that I have made each compartment go down to the bed of the river itself, which is better than having a wooden bottom; you merely put other pieces of timber at the side so as to take them well down to the bottom and fill the bottom with cement and stones." It is a very great assistance in building a ladder to remember you do not always want to make the bottom of wood, because the bottom of the river would be as good for the fish as the bottom of the ladder; and you thus get a deeper hole for the salmon to spring from. The consequence of the weir being lowered three inches is, that the pools are filled with water, and the salmon are guided into them by a beam or baulk which extends into the pool. His instinct directs the salmon to the ladder, and he goes to the lowest pool, stays there a short time, and then into another pool, and so on, through them all, as I have already described. Mr. Owen's Pentrefellyn ladder is so good, that the fishermen say it has ruined their fishery below.

1814. That is to say, by artificial means entirely, placing a baulk of timber across the stream, at the foot of the ladder, you prevent the fish from swimming up to the dam, in the way that you spoke of before?—That brings them up by three jumps instead of one.

1815. In describing the last model, you pointed out to the Committee the necessity for taking the ladder so far down the stream, and then

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bringing it back, in order to get the mouth near the dam where the fish congregate?—Yes.

1816. But in this case you draw them by artificial means to the foot of the weir?—Yes.

1817. Which prevents them getting to the ladder at all, except by your artificial way?—You conduct them to the foot of the ladder from their pool.

1818. Do you mean that you bring them back from the dam, and that on their coming up the stream you draw them to it; you have a pass of 9 feet 3 inches, but the width of the river is considerably more, is it not?—Yes.

1819. How do the fish get to the foot of the ladder which do not go up to the dam as you have said in the former case; what width is the river at that point?—80 or 90 feet.

1820. In the last case you explained that the fish did not know where the opening to the fish way was, and did not find it, and so you considered it necessary to furnish fish ways back to the foot of the weir?—Mr. Owen puts a baulk of timber at the base of the ladder, and that sends the current back to where the fish are, and the fish turn round away from the weir towards the points where the predominant current meets them, and that point is the base of the ladder.

1821. Imagine the water flowing over the dam?—Yes.

1822. When it gets to the foot of the dam, it flows forward in its natural course?—Yes.

1823. The current being naturally downward, the fish would work up that current and swim up against the dam?—Yes.

1824. And the fish will attempt to leap over it?—Yes.

1825. Then how do you get them back again to the foot of this pass?—By putting a baulk of timber at the base of the ladder so as to turn the water into the hole, where the fish are jumping to ascend.

1826. I take it that the whole volume of water is flowing down in one unbroken mass until it arrives at the crest of the dam?—Yes.

1827. You say, that with an opening 9 feet 3 inches in width, you have taken out 3 inches?—Yes.

1828. A portion of the water will flow through that opening, and the other portion will flow on?—Yes.

1829. If you have a river 90 feet wide, and on each side of it you have 40 feet of stream flowing, do not the fish run up against that 40 feet against the dam, and if so, how do you get the water that is flowing down the 9 feet 3 inches pass diverted back to the dam, so as to meet the other water that is coming down?—This ladder, I believe, is on the middle of the river, close to the natural assembling place of the fish between the ladder and the shore; the weir being lowered at this point, there comes a predominant current over it, the fish will find that predominant current, and that predominant current will guide them to the ladder and so upwards. A baulk of wood is used to direct them in lower states of the water.

1830. And you think that the fish would never get to the dam at all except by means of the fish ladder?—They do get to the base of the dam, but they do not stay there long, because when they find that they cannot get up, they naturally seek round to find where they can go.

1831. That you say is in practical operation at the Pentrefellyn weir on the River Dee?—Yes.

1832. What part of the Dee is that?—It is a little way above Llangollen.

1833. Do you know what the cost of that weir was?—I believe it was very little, Mr. Owen made it himself.

1834. Mr. *Lowther.*] What do you mean by very little?—£. 15 or 20*l.* perhaps.

1835. *Chairman.*] Do you mean that in a river 90 feet wide it is possible to construct a ladder of that kind substantially in a flowing stream for 15*l.* or 20*l.*?—I will find out what that weir cost, but my impression is that 15*l.* or 20*l.* would be about the expense of the work.

1836. In order to fix a ladder of that description you must necessarily drive piles into the bed of that stream, otherwise they would be swept away by the first flood, would they not?—Yes.

1837. Is that the kind of system which you recommend as the mode of passing over weirs, whether natural or artificial?—That is one mode.

1838. Is that what you call the pool system?—That is a pass on the pool system.

1839. Whose dam is that over which that pass was constructed; to whom does it belong?—I really do not know.

1840. Is it Mr. Owen's own property?—No, certainly not.

1841. Then he must have done it with the consent of that other person, whoever he was?—Yes.

1842. Do you know at whose cost that was done?—I believe it was done at the expense of the Board of Conservators of the Dee, but I am not sure.

1843. You think that that system may be applied to many of these so-called Forsyth ladders that are now practically useless?—Certainly.

1844. Then would you apply a pass of that kind to the weirs throughout the kingdom generally?—There are no two weirs alike with regard to the remedy that is required for them.

1845. In fact, then, you lay down the same general principles as applicable to all weirs?—Yes.

1846. Applying the same principles according to the varying circumstances of the case?—Exactly.

1847. Have you heard Mr. Paterson's evidence?—Yes.

1848. Are not the principles of running water applicable to every weir, modified as circumstances may require?—You would have to so arrange your running water as to give the salmon the best facilities, and it is on that actual arrangement that success or non-success would depend.

1849. But is not the first point to understand thoroughly the natural laws of water, and then to apply remedial measures, according to circumstances?—Yes.

1850. A volume of water, flowing from a certain height down to a lower level, flows just the same at every weir with the same velocity, does it not?—Yes; but you must treat your water according to the locality.

1851. But is not water the same in every locality, if it is unfrozen?—It would have the same natural fall, and so on; but you must manage details according to the locality.

1852. But a weir seven feet high, with a constant volume of water flowing over it, in Scotland, would have to be dealt with in exactly the same way

ay as a salmon weir in Devonshire, would it ot?—If the volume of water was the same.

1853. You have only to apply the natural laws f falling water to the varying circumstances of ie case, I suppose?—You cannot treat two weirs like.

1854. But I mean if they were precisely milar in shape, and everything else?—I would ot undertake to say that.

1855. If they were of exactly the same height nd the same width and with the same volume of water flowing over them?—I cannot say until I have seen the place.

1856. Mr. *Liddell.*] Does not a good deal depend on the fall?—Yes.

1857. *Chairman.*] But surely, given similar circumstances in Devonshire or Cornwall, and Sutherlandshire, you would deal with falling water in the same way, would you not?—No, I cannot say that; in one case you might have gravel banks, and in the other case you might have granite banks.

Friday, 23*rd July* 1869.

MEMBERS PRESENT:

Colonel Amcotts.
Mr. Assheton.
Mr. Dodds.
Colonel Edwardes.
Mr. Hambro.
Mr. Knatchbull-Hugessen.
M. William Lowther.
Earl Percy.
Mr. Evan Richards.
Mr. Whitwell.
Mr. Liddell.

JOSEPH DODDS, Esq., in the Chair.

Mr. Francis Trevelyan Buckland, re-called; and further Examined.

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1858. *Chairman.*] Have you anything to add to your former evidence?—I wish to be allowed to make one observation, with regard to my former evidence, in reference to artificial fish culture. I consider that artificial fish culture, applied to trout, an exceedingly valuable mode of increasing the supply of trout, inasmuch as trout are stationary creatures, and they do not go down to the sea. Artificial culture may also be useful in sending salmon eggs from one place to another, and I think that salmon may be very much improved by crossing breeds from one river to another. I have brought a series of specimens, showing the development of the salmon eggs up to the time that they go down to sea, the moral being that if you take care of the eggs you ought to have a proportionate number of fish coming back as human food.

1859. I believe that you are taking measures to carry your views into effect by sending ova from one river to another throughout the kingdom?—Last year I sent away nearly 7,000 young salmon to different rivers in England, and the year before I also sent about 7,000 or 8,000 young salmon.

1860. You think it desirable to encourage that?—Yes; I should like to see a larger establishment for artificial hatching started.

1861. You have a system of artificial hatching in practical operation, at your museum at South Kensington, have you not?—Yes, for the last five years, every winter we have hatched a large number of trout and salmon, and this year the American Fishery Commissioners have sent me ova of a new kind of fish (*Salmo Fontinalis*), and also of American salmon.

1862. I think that the beautiful casts that we have in the room were prepared by yourself and assistants, and are permanently stored, for the most part, in the South Kensington Museum?—The fishmongers of London let me know of any big fish that come from any portion of the world; they lend it to me for a night. I cast it late at night when it is cool, and send it back to them in ice that night; the consequence is that I have specimens of the largest fish in England, Ireland, and Scotland. These I exhibit, to show the public what can be done by paying strict attention to the matters that are now before the Committee.

1863. But the Committee are very anxious to have from you practical suggestions with regard to the amendment of the law; may I ask how the expense of that museum at South Kensington is borne?—I am under the Science and Art Department of South Kensington; they give me the space, and pay for the water used by the fish; they give my man 1 *l.* 1 *s.* a week, and they give me 1 *l.* 1 *s.* a week, and it costs me a very heavy sum out of my own private purse to keep the thing going at all. I have got four medals from foreign countries, and I should be glad of a little more support; but the collection is my own property entirely.

1864. You have a good many visitors, foreigners and others, to your museum?—Yes, a very great number.

1865. You heard the evidence of Mr. Paterson before this Committee, and his description of the way in which he proposed to pass the fish over the weirs?—I did; and I have been thinking of that plan of Mr. Paterson's day and night since I heard it; I have considered it very deeply indeed.

1866. You have thought about it and dreamt about it?—Yes.

1867. What is the conclusion at which you have arrived?—I am very sorry to say that I cannot approve of it at all, for I do not think that the principle is sound.

1868. What is the weak point of that plan, in your opinion?—There are two weak points in it: the one is a physical weak point, and the other is a moral weak point. With regard to the moral weak point, I and my colleague are accustomed to go about the country and talk to the owners of weirs and to the millers, and to people who derive their livelihood from the existence of weirs, and I am quite certain it will hoist the flag of war all over the country if you propose to cut two feet into a person's weir. I read in the evidence that the millers are under a needless alarm. Now I am quite certain that if you were to have the millers in this room to give evidence, you would find that their alarm would be exceedingly great.

1869. That is the moral difficulty, I suppose?—That is the moral difficulty. Then, secondly, it would be exceedingly difficult to cut a hole in a weir;

a weir; that is to say, to make it permanent besides. It is comparatively easy, with a pick-axe or something to make a hole in a weir, but engineers whom I have consulted tell me it would require a great deal of money to be expended to make the rest of the weir substantial when there is a hole in it. For my own part, I would not dare to do it, because if the whole of the work was not perfectly staunch and sound, the next flood that came might send the thing all to pieces, and the weir would go right away. Then I have gone over in my mind and from my note books the various weirs which it might be applied to all over the country: now there is a weir on the River Axe in Devonshire, and I am certain and positive that the owner of that weir, with whom I have had a great deal of friendly correspondence, would never allow it; he would hardly let me walk over the weir, he is so jealous of it; it is a very old weir.

1870. What kind of weir is it?—It is 10 feet high.

1871. Is it connected with a corn mill?—Yes.

1872. Is it a fishing mill-dam?—No, it is simply a mill-dam.

1873. It answers the miller's purpose, I suppose?—Yes.

1874. And injures the fishery of the river very materially, I presume?—It is a terrible thing.

1875. And yet he would not like a stone of it touched?—No; it is an old weir, and if we were to take a stone out, either by Act of Parliament or with the permission of the owner, I do not think that the weir would stand next winter.

1876. Supposing it did not stand, what would be the consequence?—The consequence would be that somebody would have to pay for the value of the weir.

1877. What is the annual value of that mill?—I cannot say.

1878. But you have seen it, have you not?—Yes.

1879. What do you say that the annual value of it is?—I am afraid to say, but I should say that he would want 1,000 *l.* or 1,500 *l.* for it.

1880. How many pairs of stones are there?—I do not know; it is a large and important mill in the town of Axminster, and it grinds the corn for that town. There is a block weir on the River Camel, of which I should like to speak.

1881. Can you give the Committee any idea of the extent to which that weir at Axminster blocks the River Axe; how many miles of catchment basin are there?—It blocks out the best spawning beds of the river.

1882. But can you give the Committee any idea of the extent?—No.

1883. Mr. *Liddell.*] How far is it above the tideway?—It is six or eight miles above the tideway; that weir can be easily got over by altering the ladder now upon it.

1884. What system would you propose to pursue in order to accomplish that end?—I would cut the whole ladder in half and reverse the lower end.

1885. You mean in the way which you showed the Committee the other day?—Yes; the next important weir is the weir on the Camel, which supplies the water-works for the town of Bodmin. I am certain that hundreds of weir owners would do everything they could to prevent a hole being cut in their weirs: they are exceedingly civil, and so long as you do not touch the weir you may do anything.

1886. Suppose you showed that that alteration could be made, without in the slightest degree endangering the stability of the dam, or diminishing the milling power, do you not think that these civil and reasonable gentlemen would listen to that?—No doubt, if you could show that to them.

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1887. But surely you do not tell the Committee that it is impossible to cut a hole two feet square in a weir and to leave that weir as strong as it was before; is that your opinion?—Yes; I think so with regard to many of the old weirs.

1888. It is your opinion that a fixed cast iron box could not be made as a frame around the opening and leave the dam as strong as before?—I should be afraid of the expense.

1889. You really say, in an engineering point of view, it is your opinion that a dam cannot be made so substantial under those circumstances that no flood can touch it?—It is so dangerous that I would not risk it.

1890. I am afraid that you share the millers' prejudices, do you not?—No; I want to get the fish up but I am afraid of bringing heavy damages on to the conservators by so doing.

1891. But is not that a point which should be fairly left to them; if they are responsible for the damages, would they not take care before they had alterations made that they would not subject themselves to very heavy costs?—Suppose they could not get up the money.

1892. But would not they take care of that themselves?—Yes, certainly. Perhaps I may now pass on to weirs on the Coquet, at Acklington, and on the Conway. I think Mr. Paterson's system would be impossible in both cases (*producing a drawing*).

1893. Whose ladder is that (*referring to the drawing*)?—That is a Forsyth ladder, which was put up at a great expense on the Conway.

1894–5. Does it bear Mr. Forsyth's name?—The following are some of the places at which I am sure Mr. Paterson's system would not apply: Acklington and Warkworth dams, on the Coquet; Salmon Pool and Cowley Bridge, on the Exe; Golitta, on the Fowey; Stoneham, on the Itchen; Linton and Naburn on the Ouse; Clitheroe, on the Ribble; four weirs on the Severn, near Worcester; the Stour, at Canterbury; weirs at Tavistock, on the Tavy; weirs on the Taw and Torridge; Kenarth (natural weir, on the Towey; the Test, Hants; Warden Paper Mill, South Tyne; Museum Dam, at Durham; Bishop's Auckland Dam, on the Wear; Tadcaster Weir, on the Wharfe. Then with regard to the action of the valve; as an Inspector of Fisheries, I would not pass it, because it is so liable to be tampered with. As I understand, when the water comes to a certain level, the valve goes down and leaves a gap open in the weir. I should like to know what is to prevent anybody (if you put it in against the miller's whim, he might do it) putting a stone under the valve, so as to block it.

1896. But the miller is the man who is benefited by its not being blocked, is he not?—Then poachers might easily block the valve with a stone, and poach in the ladder; the ladder becomes a trap immediately, and a man might catch any fish that happened to be in it. Suppose there was no malicious intent; a great trunk of a tree or a bough might float down the river, and lodge on the valve, and then what are the salmon to do. Now, for the moral difficulties: I do not believe, speaking for the fish, that they would face a thing like that, because it looks so like a trap, and their instinct would lead them to think that

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it was a trap; it is not simple enough; the salmon is so suspicious a thing that you must have the ladder as natural as possible; and if this valve happened to wobble about or move, the salmon would never go near it. I do not approve of valves as applied to fisheries. What Professor Rankin said is perfectly true, and I would not venture to differ from such an authority with regard to the quantity of water, and the number of decimals necessary to collect water, fill the pass, and so on; but, as a fisherman, I must say that it is inapplicable to our purposes.

1897. You have not seen one in operation, I suppose?—No.

1898. Then why do you suppose, to use your own expression, that it would "wobble" about with the pressure of water on it?—Because I think that the water coming down irregularly would very likely make it wobble about.

1899. How do you mean the water coming down irregularly?—When the water was rising, the valve would go at a certain pace, and when it was rising more it would go at another pace, and when the water fell it would be coming back, so that for a certain time it would be in actual motion.

1900. You think that it would be pretty constantly in motion?—I think so.

1901. You have informed the Committee that, in your opinion, Mr. Paterson's system will not apply to the dams which you have mentioned; will you kindly say why you think it would not apply?—First of all, I think the two grounds, moral and physical, which I have already mentioned, answer that question.

1902. Mr. *Liddell.*] You do not throw it out as a principle that there is any one system which is applicable or inapplicable to all weirs?—No.

1903. *Chairman.*] What you have now given the Committee is a list of the dams to which, in your opinion, Mr. Paterson's system is inapplicable; will you state your reasons why you think Mr. Paterson's system is inapplicable to the dams which you have mentioned?—I will take the Exe.

1904. They are all tolerably similar to this extent at least: you think that the system propounded by Mr. Paterson is inapplicable?—Yes; with respect to the Exe weirs, they are very old weirs, and you dare not touch a stone of them.

1905. Take one in particular on the Exe in any one place?—I will take the Salmon Pool Weir, that is one.

1906. Is that on the Exe?—Yes, that is the lowest weir on the Exe, and it is a very old weir.

1907. You think that Mr. Paterson's system would be inapplicable there?—Yes, because it is a very old weir.

1908. Is there any other reason?—I think that an enormous amount of litigation would follow.

1909. On what account do you think there would be an enormous amount of litigation?—Because it would take away water from the paper makers, and it would imperil the weir.

1910. Is there any other ground?—No, I think not.

1911. Those are the only reasons that induce you to think that Mr. Paterson's system is inapplicable to that particular weir?—Yes, the next weir above belongs to the City of Exeter, that is Trew's Weir, and I am afraid that Mr. Paterson's system would not be applicable there; again, because the weir is old, and you could not act without endangering the stability of the weir.

1912. Your primary objection in that case, is that the weir itself is a rickety one?—Yes.

1913. Is there any other reason why you think Mr. Paterson's system inapplicable to that weir?—The weir itself is too long and too big.

1914. What is about the length of that weir?—One hundred and twenty feet or 130 feet, and it has a very long slope of about 43 feet from the crest to the bottom. Then the next weir above belongs to the City of Exeter, and they have given most liberally 150 *l.* to build ladders; and with regard to this weir, I am convinced that there would be a tremendous opposition on the part of the City of Exeter and the engineer employed by them, to touching the weir; they would not even let me drive an iron peg into the weir.

1915. Why would they not let you do so?—The reason is, that the existence of the weir would be imperilled, and the weirs being knocked down, what is to become of the works that are worked by those weirs; the paper mills and corn mills, and so on. And then supposing they are knocked down, who would be able to find the money to pay to put them up again. If you go to a miller and say, "I am going to cut a a hole in your weir," he will say "Put your money down before you do it, because I shall then be able to take it up before the weir is destroyed."

1916. But suppose the money were put down, you think his objections would be at an end?—The money would never be put down at Exeter.

1917. But in any of those cases the money being put down for the millowner, I suppose you think that would end the difficulty?—No, I think not.

1918. Is it a question of compensation to the millowner or not?— No, I think it is something more; I think it is a question of getting them to allow it to be done at all; I think they would say, "I will have nothing to do with it, I do not want your compensation."

1919. They are in possession of something, and they do not care how it injures others?—Yes, they would say, "These people will take our water, and you shall not do it."

1920. Beyond that you think that their objection cannot reasonably extend?—That is pretty far, I think.

1921. But is it your opinion that it does not go beyond that?—Yes.

1922. Is there any other dam that you would like to mention to the Committee, giving your reasons why you think Mr. Paterson's system inapplicable to it?—If I were to go on to the Severn, to propose to put his plan on to the Severn weirs (I am now speaking of navigation weirs), I am quite certain that Mr. Williams, the engineer, would not entertain it for one minute, for the reasons that his weirs are also none of the strongest; if anything was to happen to those weirs, the Severn navigation would be gone directly; and how can you compensate the Severn navigation? Besides that, there are also passes upon those weirs.

1923. Do you think that there is any necessity for Mr. Paterson's system being applied to them?—No; but I am giving instances where it could not be applied. On the Stour, at Canterbury, there are

are hatches, and you cannot apply that system to hatches which draw up and down. On the weir at Tavistock there are also ladders built.

1924. Are those ladders effectual at Tavistock?—One is very good indeed, and the other three can all be altered at an expense of 4*l.* or 5*l.*

1925. And with regard to the others, they may be much improved, I suppose?—Yes, certainly.

1926. With regard to those dams, you think that it would not be necessary to apply Mr. Paterson's system on the natural bar at Kenarth on the Teivy, which is a great natural barrier?—Mr. Paterson's system would not apply there.

1927. But is there any mill there?—Yes, there is a mill there.

1928. Mr. *Liddell.*] There are natural obstructions made applicable to milling purposes, are there not?—Yes, this is one.

1929. *Chairman.*] What kind of mill is it?—It is a little corn mill.

1930. Worth about how much a year?—It is worth but very little, I should say.

1931. Is it worth about 10*l.*?—No, I should say from 50*l.* to 80*l* a year.

1932. With regard to fishing in the Teivy, might it be made a very valuable fishery?—It is one of the best rivers in England.

1933. Should I be putting it too high if I were to put the value of it at 8,000*l.* a year?—I think Mr. Eden put it at 3,000*l.* a year.

1934. Do you agree in Mr. Eden's opinion?—Yes.

1935. It is in South Wales, is it not?—Yes. I have a photograph of it here (*producing a photograph*).

1936. The obstruction is worth about 80*l.* a year, you think?—Yes.

1937. And the fish might be taken as worth 3,000*l.* a year?—It is worth that now, and it may be made worth 6,000*l.*

1938. If the Kenarth Weir were blown away you think that might be doubled?—Yes, but a gentleman has a right of fishing as well as the mill.

1939. So far as that right of fishing extends, the owner of the property would be benefited in common with every other riparian owner?—Yes. If you knock down his weir you take away his right of fishing, because he fishes from the weir; he utilises a portion of the natural weir as the place from which he may catch fish.

1940. How?—By means of a net; we have seen him about the business, and I believe that an inquiry will shortly take place about it; he says that he has a right of fishery there.

1941. You are in correspondence with the owner of it?—Yes.

1942. I suppose he claims certain legal rights in connection with the dam?—Yes.

1943. Perhaps, up to the present time, you scarcely know on what foundation those rights rest?—Just so.

1944. But may I ask you whether, in the event of its appearing that there is a fair conflict of opinion with regard to whether he has legal rights or not, you think it is desirable that there should be some tribunal by means of which his right can be speedily and inexpensively ascertained?—I believe that the special Commissioners have the right to do that now.

1945. But suppose there is no right of the kind except by ordinary litigation, do you not think it very desirable that there should be a tribunal that could dispose of the question of legal right?—A tribunal for fishing weirs is already provided for.

1946. But supposing the existing provision did not exist, would you recommend that there should be such a provision made; do you not think it very desirable that the legal rights of the owners of those weirs should be clearly ascertained?—I think they are clear enough now. I pass on to a place on the Ouse, in Yorkshire, the Linton Lock; if a man cut a hole in that weir it would imperil the stability of the whole weir.

1947. Why do you think it would imperil the whole stability of the weir?—It is built in three parts of a circle, and you cannot take one or two stones out of a circle without imperilling the rest. And the same remark would apply to Dinsdale.

1948. Is that the only reason why you think it could not be applied to the Linton Lock?—Yes, it endangers the stability of the lock.

1949. Would the same observations apply to Dinsdale?—I think so.

1950. That is an objection, and the only objection you think?—Yes.

1951. Which system of passing fish over obstructions of this kind do you prefer?—I prefer the pool system in every instance, and to utilise, if possibly, the overflow from the dam without injuring the miller. When I go to negotiate with the millers, in conversation I get them to admit, which all millers do admit (there is no by-play about it), that the moment the water is passed over the upper lip of the weir it is of no more use to the miller; and I say to the miller, "Will you allow me to utilise that water after it has passed over the lip of the weir?" and he says, "Certainly, as long as you do not injure my dam." There we take a great step in advance; of course, he gives the salmon people the use of the water after it has passed a certain point. It then becomes a matter of contrivance for those who take an interest in salmon ladders to utilise this water which has been given to you, and this can be done in several ways without cutting a hole in the weir. This is one way (*pointing to the model*) in which I should propose to do it. Whereas, by Mr. Paterson's plan, a hole is cut in the weir, and iron bars are put on the top to compensate for the water running through the hole; what I propose to do, would be to put the ladder on the lip or sill of the weir, not cutting into the weir, and then to put boards on each side. The consequence would be, that when a little spate came down the river, the water would be ponded up by the boards, and it would immediately run down the pass, and if the fish were there, they could come if they liked. It may be objected to this plan that you are heightening the weir, and so on, but nothing could be easier when the water is coming in in sufficient quantity to fill the pass than to let down these boards from the top, and then you would have a sufficient quantity of water to fill the ladder, and the fish would be able to jump over, because the dam is not one-eighth of an inch higher than it was, and thus you are concentrating the water for the use of the miller and the use of the fish.

1952. You would not cut into the dam at all, but you would manage this by ponding a sufficient quantity of water above it?—Yes, for summer work.

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1953. By that means you secure the same result without in any way touching the dam?—That is my opinion.

1954. That is another mode of accomplishing the same object?—Yes.

1955. And you think that it is a more efficacious plan?—Yes, I would of course arrange the details of ladders afterwards; this plan is now actually at work at Bransford, one of the tributaries of the Severn.

1956. And it works satisfactorily, does it?—Yes, it works very satisfactorily.

1957. I dare say that you could show the Committee a great many other modes of a similar kind?—I can show you some other plans for getting fish over weirs. There are two very difficult mills which command the River Stour at Canterbury. I undertook the cultivation of that river before I was made an inspector, and we have now got it very fairly stocked with fish. There was a Forsyth ladder under a mill there, which was of no use at all.

1958. Sturry mill?—Yes, the "black mill" and the "white mill;" so we set to work to see if we could not utilise the hatches in such a way that the fish would jump them naturally. This is a model of the hatches at the white mill; it is a weir containing four hatchways that work up and down in the ordinary manner; it is about six feet high; at the bottom of those hatches there are long sloping boards, and the fish being in the pool, cannot possibly get up to jump over the obstruction; and when the water is coming down in too great quantities for the miller, all he does is to lift his hatch up. Mr. Montague Kingsford, who is secretary to the association, and myself, invented this ladder; we went to the miller and put this question; we said, "You do not want the water after it is flowing over the lip of the weir;" and he said, "No." We said, "Very well." And so we got leave to cut two pieces out of the top of one hatch, because the miller does not care whether he lets his waste water over or under the hatch; so we cut two pieces out of his hatchway, then we place planking parallel with one of his hatches, the other side of the passage, so formed, being a natural wall; we then divide that passage out into three pools by means of boards. There is a little water coming down the river; it is the miller's dinner time, and the fish are in the pool; he will not take the trouble to lift the hatch up as he would in ordinary times; he takes the small board out of the top of the hatch, and the consequence is that all the three pools fill, and the chances are that the fish will go directly (*referring to a model*). If it is night time the keeper tells me they will go in a very few minutes. If the miller can spare water he takes out the two small hatches, and then you have a beautiful current boiling gently over into the pool and inducing the fish to come. An objection was raised, and they said, "What will you do with the water in the winter when the floods are coming down?" Why I take out all the boards altogether, and take all the hatches away, and, therefore, there is no obstruction whatever to the fish. By this plan you utilise every drop of water that the miller does not want; he never grumbles and never interferes, and the fish pass up the river easily. The proof of that is that the fish have been seen to go; and a second ladder has been built elsewhere upon this principle by Mr. Kingsford, at his own expense, and the fish have been seen to go up; they have actually spawned where they have never spawned before on account of the presence of that ladder. Now I say advisedly, that this is a very important discovery (it is really almost a discovery), because it is applicable to so many places where there are similar hatches.

1959. This is a distinct illustration of the practicability of applying the pool system to useless Forsyth ladders of which so many exist throughout the country?—Not to Forsyth ladders but to hatchways; and it has this other advantage, that it would be the means of utilising all bye-washes of mills.

1960. That is applicable to Sturry's white mill at Canterbury, on the Stour?—Yes.

1961. Mr. *Whitwell.*] What do you call this system?—The pool system applied to hatches.

1962. What shall we call the first plan?—That is the plan of the moveable lip.

1963. *Chairman.*] You consider that the pool system may be applied to weirs where the Forsyth ladder at present exists?—Certainly.

1964. They may be converted into the pool system, you think?—Yes. I will now produce plan No. 3 (*producing a model*) which is another system of passing fish over weirs.

1965. Is that in use anywhere?—Yes, it is actually at work.

1966. Where is it at work?—At Tavistock.

1967. Is this the Ballysadare plan?—Yes, this is a plan after the Ballysadare idea. The Tavy at Tavistock is a very nice little river. There is a very awkward weir at Tavistock, and this model will give some idea of the weir; it is a straight up and down weir.

1968. What is the height of it?—It is about six or eight feet high, perhaps; this is a path over the ladder (*referring to the model*). A portion of the side of the weir has been walled off as in the former instance, making a passage from the weir down into the bed of the river below. As in the last case, so also in this, that passage has been divided out into a series of pools, each obstruction being less in height than the one in front of it, and, what is most important, for all ladder makers to recollect, is, that the bottom of the river is the bottom of the ladder; you do not want any artificial bottom to the ladder, the fish are all in this pool; you divert the water when it gets to a certain point, and send it back again to where the fish are, and the fish go up with the greatest facility. That plan I have sent to the American Commissioners, and they have recommended it very highly indeed for such weirs as that.

1969. You say that that is at work now at Tavistock, and is perfectly successful?—I have not heard any complaint of it at all.

1970. What kind of dam is that, is it a mill dam?—I think it is a canal weir.

1971. The ladder which you have described does not in any way interfere with the dam to any extent, I believe?—No. I believe, but I am not certain of the point, that two inches and a half or three inches have been cut at the very top step of the ladder out of the solid stone.

1972. You do not go quite to the crest of the dam, do you?—No; they have cut two inches out of the solid granite block which cannot hurt. Here is a model of Mr. Garnett's celebrated weir at Clitheroe (*producing a model*). Mr. Garnett has kindly deposited that model at my museum, in order that the world may see what the lawyers are fighting about; and this is an exceedingly

exceedingly good model of the Clitheroe weir.

1973. That is an accurate model made to scale, is it?—Yes, it is a very formidable weir, built in a semi-circular shape from one side of the river to the other.

1974. This weir of Mr. Garnett's, as we have heard, is a weir connected with a manufactory?—Yes; the manufactory is worked by the water that passes through those hatches.

1975. This is a mill dam merely, and not a fishing mill dam?—That is the question. Then on the top of the actual body of the weir itself, Mr. Garnett has fixed planks, and those planks are capable of being fastened up, or they are capable of being put down; it is a very ingenious contrivance, that these boards should fall just at the right time when they ought to fall.

1976. Mr. *Liddell.*] Might we describe this particular invention as Garnett's moveable lip?—Yes.

1977. *Chairman.*] Have those boards been put on recently?—No, they have been there some time; there is a little ring on the top of each board, a piece of iron rod goes into the hole, and then there is a piece of thin wood fastened lightly into a hole in the iron rod, so that when a certain force of water comes, the pin of wood breaks, and the lip falls down. Then at the west end of the weir there is a contrivance which is called a ladder, or a pass, instead of the boards being continuous up to the wall, a long baulk or beam of wood is fastened to a hinge, working like a chaff cutter, and when Mr. Garnett thinks that he can spare water, he lifts up this moveable beam or baulk of wood, and the consequence is that the water rushes down in great volume; then the salmon have a chance of passing or they have not a chance of passing; they run up from the pool across the beams, and underneath this baulk of wood, and so get up the river; but to me and to the Conservators, this plan is by no means satisfactory. Supposing this baulk was lifted for a certain time the salmon would naturally find their way up; and if any evil-disposed person existed he could put the baulk down, and the salmon would be left high and dry.

1978. And any quantity of salmon that have congregated in that little pool may, of course, be taken out?—Yes. I will not say that it is done, but it might be done.

1979. It was because of the effect produced in that way that the special commissioners considered that it facilitated the catching of the fish?—Yes, that was the case, I believe. Now, it is a very important question to the upper proprietors of that exceedingly valuable river, Ribble, that the fish should be passed over this dam; and Mr. Garnett has said, what all millers do say, "You may have the water after it passes the lip of the dam." We have, then, to contrive to utilise that water. We adopt the same idea that Mr. Garnett has himself adopted, and this idea is conjointly the plan of my colleague, Mr. Walpole, and myself, namely, to adapt the present existing circumstances to the passing of the fish. We are not satisfied with those baulks of wood, and therefore by looking about, and by taking further pieces of wood, we proposed to turn all those baulks into a series of pools. This model (*producing a model*) represents rocks here and there; by plugging up the interstices between those rocks you make pools. We then make what we call leads for the salmon, at each end of the baulks, to induce the salmon to take the pass; and the salmon will go from one pool to another, till at last he gets to the fourth pool, and that fourth pool is up at the corner of the weir, and there the salmon would find just a little hole where he could pop through; and that little hole is formed by converting this baulk into a salmon hole, which is self-acting by means of that contrivance which I have already explained to the Committee. We are not quite certain whether we shall adopt that plan, but we probably will; that is a matter for the Board of Conservators.

1980. Is there a valve there?—No, it is no valve, it is a bit of stick. Suppose a piece of iron thrust through the board, on the top of the weir; you put in a little piece of stick (*explaining this with a padlock and a piece of paper*), and the moment the pressure becomes sufficient against the board to break that stick, the board falls over; and it is self-acting, day or night.

1981. You have a hole through the dam to that extent?—Yes; Mr. Garnett proposes to give us a little hole at the top of the dam.

1982. What are the dimensions of that hole?—The plan tends to convert that baulk into a falling baulk instead of a lifting baulk, so that the dimensions would be nearly seven feet long.

1983. Seven feet by what?—Seven feet by 2 feet 11 inches.

1984. In fact, for seven feet in length, the dam is cut to the depth of 2 feet 11 inches?—No; the baulk at the top of the dam, not the dam itself.

1985. You say that they are fastened by wooden pins and that they are broken off; how are the pins restored?—When the water goes down, a man goes along with fresh wooden pins to put in.

1986. Mr. *Liddell.*] Those wooden pins are all made of an ascertained strength?—Yes, they are all made of an ascertained strength.

1987. *Chairman.*] Who puts those pins in?—Mr. Garnett's agent, I suppose.

1988. Those boards in the model have nothing to do with the fishery, have they?—No.

1989. Mr. *Knatchbull-Hugessen.*] Would this plan impose a new duty on Mr. Garnett's people?—Certainly not.

1990. Then how are they doing it at present?—The same apparatus which works those boards on the top of the weir would also work the new boards which would command the entrance into the new pass.

1991. *Chairman.*] Now is not that opening at the west end of the weir, below the level of the other part of the dam?—It is below the level of the dam; it is half way below the level.

1992. That opening is below the level of the crest of the dam?—Yes.

1993. By how much?—I would say from three to four inches.

1994. The opening is 2 feet 11 inches altogether?—Yes.

1995. Colonel *Amcotts.*] Is that with Mr. Garnett's approval?—Yes; I believe he will adopt it.

1996. *Chairman.*] Has it been submitted to Mr. Garnett?—Yes; and the Board of Conservators, ourselves, and Mr. Garnett, are now in correspondence about it.

1997. Can you tell exactly the extent to which it cuts into the dam?—I will find out.

1998. Mr. *Knatchbull-Hugessen.*] What duties with regard to putting down the wooden pins, has Mr. Garnett's agent to do now?—He has to

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put up the boards when he wants to store the water.

1999. But that is one act, the raising of the board?—Yes.

2000. But the putting in of a series of wooden pins is a new duty, I presume?—I imagine that that has been going on ever since these boards have been in existence, because they could not be worked without pins.

2001. *Chairman.*] In fact it is a system devised for the purpose of ponding up the water in the dry season?—Yes.

2002. Raising the dam an additional height to store up the water?—Yes; the other plan is to utilize the slightest surplus water that comes over benefiting the fish, and not injuring the mill-owner.

2003. Is there not considerable steam power used in Mr. Garnett's manufactory?—Yes; I believe he uses steam power.

2004. Does he not use steam power to a large extent?—I do not know.

2005. When you have made this opening in the dam, what would be the velocity of the water?—The water rushing through, as seen in the photograph, will come with considerable force; but it will be so broken up by the great wooden beams which will be pinned, from rock to rock in a slanting position, that the salmon will be able to face it, I believe, with very great facility, because if he can get into one pool he can rest for a minute, and then get into the next pool; it will not wash him out of the pool.

2006. Mr. *Liddell.*] But does not the presence of a moveable baulk, if there is any considerable quantity of water coming down, create a velocity of current which the fish would have a difficulty in facing?—I do not think so, for the fish do really go.

2007. *Chairman.*] How are you able to speak with regard to that?—Because my friends, who live higher up on the Ribble, get fish after a certain time, and they must have come through that baulk.

2008. But in times of flood may they not get over?—Yes; but so far as I understood from my friends there was no water at the time over the weir, and the only place where they could have come was under the baulks.

2009. They might have got over during some previous flood, might they not?—No, that was not so.

2010. Mr. *Liddell.*] Were they clean fish?—They were rod fish.

2011. And not very red, I suppose?—They were rod fish, and that is all I can say. I have here another model (*producing a model*). There are on the upper streams of salmon rivers a great many little weirs, I am sorry to say, and many boards of conservators do not attach sufficient importance to those little weirs. Of course, I need hardly say that a salmon having swum 40 miles up the river is not so fresh as when he left the sea, and the female fish heavy with spawn, would find very great difficulty in getting over some of these little weirs; the male fish will often get over weirs when the female fish cannot. This weir here may be the last key to six or eight miles of may be the Towy, the Ribble, or the Tees, and the salmon have not strength enough to get over it. I always ask boards of conservators to pay as much attention as they can to these little weirs. This is a plan which has been found very efficacious in many cases (*pointing to the model*). In most of these upper weirs there are large boulder stones lying about; they are doing no good, and I propose to take a couple of labourers and a crowbar, and a bag of cement, and some nails, and to shift the stones from where they are doing nothing, so as to form a barrier below the weir. I would build them about half the height of the weir; suppose it is six feet, I would then put the top of my stones four feet high; after that I would select the strongest and heaviest stones which I could get for a foundation. I would then plug up the interstices with small stones, taking care to put the wedges the right way, and block them all up with roman cement, which could easily be made on the bank. Then I would arrange so as to leave a door for the fish to go in; in fact, I would leave a rough opening between the stones. The consequence of this would be that, supposing the weir were six feet high, you build the stones up to make it four feet, and then you have a pool which gives the fish an impetus by which he can jump the weir. Stones lying idle in brooks, doing nothing, may be utilized at very little expense in this way. There is a natural weir, called the Golitha Falls, on the Fowey. Mr. Chappell Hodge, who lives close by, and myself, put this weir in order with stones, in this way, and it cost 30*s.*, and the fish have been known to go up this year with great ease. Besides the stones, I would utilize logs of trees; if you cannot find a log of a tree lying about, a landed proprietor very seldom refuses to give you one or two trees. Block these trees across, and you make thereby another pool, and with comparatively no expense, because it does not matter whether you make the tree fit very accurately or not; dam it across if you like; the consequence is that the tired fish will be enticed into these pools, and will stay there to rest until they can shoot the weirs and get up into the spawning gravel above. These weirs may be knocked down by floods in winter, but all that you have got to do is to build them up again the next year.

2012. Mr. *Liddell.*] That system, in fact, forms a succession of three tumbling bays?—Yes, small tumbling bays. There is another plan (*producing a model*) which is also applicable to some small weirs in the upper country, and to some weirs in the lower country. When my colleague and myself visited Durham, we saw a ladder built on the Forsyth plan over the Museum weir there. That ladder happened to be built diagonally across the weir, and the consequence was that the salmon did not go up by the pass itself, but they went by the side of it; the water is concentrated by the side of the pass; this is the Museum dam on the River Wear at Durham. We at once hit on the idea of copying that dam, and we tried the experiment of placing a simple baulk of wood diagonally upon the face of the weir, going back always to the old system, that the miller does not want the water after it has passed the face of the weir. I tried this personally upon the canal weir at Torrington; we put up one single diagonal in this way; it did not act quite so well as two diagonals, and now we have placed on this weir at Torrington two diagonals, pointing towards each other, one beginning from the right hand side, and the other from the left hand side, and both meeting towards the middle; consequently the fish do not stop there a minute; if there is any water up, they go with a spurt.

2013. *Chairman.*]

2013. *Chairman.*] You say that that system is in actual operation, and with the greatest success?—Yes, it is in actual practical operation with the greatest success.

2014. Is it on the Taw and Torridge?—Yes, and Captain White has approved of it, which is a very wonderful thing for him to do. On this plan the diagonal does not interfere with the pier, because it is not always necessary even to pin it on to the pier. If the miller objects to your placing a great iron nail in the weir, then block it from the side by means of a baulk of timber.

2015. Which strengthens his weir if it does anything?—Which strengthens his weir; the force of the water will keep the diagonal steady against the timbers, and if it goes adrift, you can put it back again. This system of diagonal passes on small weirs, is considered to be exceedingly valuable.

2016. That is in action also, you say?—Yes, it is in action at the Torrington weir, and we have lately applied it elsewhere; we have applied it at the Pont Seiont weir in North Wales, and it acted very well; we have also applied it to a very awkward mill dam at Bransford, which commands the whole of a very important spawning tributory to the Severn, namely, the Teme. This contains very good spawning ground, and if we could get the fish up the Teme, the product of the Severn would be greatly increased. I and my colleague had a meeting at Worcester, and we showed these plans to the Board at Worcester, and we proposed that they should be put up experimentally. Mr. George, secretary to the Board of Conservators at Worcester, placed them up and they have succeeded admirably, and the fish have gone up. I received a notice last Christmas from the Camel that the fish were fighting at the Bodmin weir and could not pass, and I sent back a telegram to put up a diagonal, and though it was put up the wrong way by a stupid labourer, it assisted the fish somewhat when the water began to slacken. And therefore I give these instances to show how useful this plan may be to utilize surplus water, especially when it is made the law, as I hope it will be made the law, that the miller shall be obliged to shut the sluices that go to the mill wheel when the mill wheel is not working, because that prevents the water being wasted, and if there is any little overflow it is sure to go over the weir.

2017. This system is in practical operation, and is successful you say?—Yes, and I strongly recommend it for certain places.

2018. Mr. *Liddell.*] This is simply a plan for concentrating any single current of waste water flowing over the face of a weir?—Yes; if you were to put your foot across a gutter in the street you would see its action directly. I have here a model of the Cothi weir on the Towy, in Carmarthenshire. There is a weir at Cothi which commands some very important and extensive spawning beds above; the fish jump at it but cannot get over. I observed when I was there that there was a mill leat running exactly parallel to that wall on the model, and I also observed that there was a hatchway in the leat, so I immediately struck out the idea that this hatchway might be utilised; I therefore proposed, there being a hatch at the bottom of the mill leat, to shut the waterway from the wall, to utilise that water which otherwise would flow a thin current of the depth of an inch or two over the top of the dam. The fish being at the foot of the dam, I would place some rough timbers there. There is a great pile of old railway sleepers not far off, which could be got for a few shillings; plug them altogether (the holes are ready made), and you can then divert the current on to the place where the fish are.

2019. Mr. *Liddell.*] You create an artificial current to induce the fish to swim up towards the hatchway?—Yes, and I would put in another baulk, so as to make a pool. Suppose there are two inches of water running over the weir on Sunday morning, the miller shuts down his lower hatch. I propose that the upper hatch should then be opened; the water would then run down into the pool, and then the fish would instantly see or feel it; they would come up; they would be guided by the current, and they would pass by the side of the weir without any ladder at all, and that could be done at very little expense. It has been properly objected that this plan might become a poaching trap, and that the miller would have the power of catching the fish whenever he pleased; but it is not so; I would have the hatch under lock and key, and I would entrust the lock and key to an officer appointed by the Board of Conservators, who should go when the miller would not be interfered with and lift it, if only for 10 minutes to let the fish pass, and then put it down again. This is what Captain White has written about. He proposes that all Boards of Conservators should have the power to place side sluices at the head of all mill or irrigation leats at their own expense, and to make a channel down to the river, but that they should at the same time be compelled to make sluices across the leat below the side sluices, so as not to interfere with the miller's sluices. These sluices should not be used under a heavy penalty when the mill is working, nor should they be used from the 1st of June to the 1st of October, except in times of fresh, so as to allow the fish to pass up or down. While the conservators' sluices are working the miller should not put his sluice down, or in any way hinder the passage of the fish; in fact, I would allow the conservators to make a hatchway between the mill leat and the weir, and give them the power, when the miller can spare a little water, to pass the water down through this hatchway.

2020. *Chairman.*] What is that grating which you have on the model?—That is to prevent the fish, when coming up, going under the mill wheel; or it may be used to divert kelts coming down; I have here another model showing another way to get the fish over the weirs.

2021. Is that system in existence anywhere?—It is in existence in the north of Scotland; it was invented by Captain Bateson.

2022. Mr. *Liddell.*] That would be on the Helmsdale, I suppose?—It is near Golspie in Sutherlandshire. Captain Bateson was desirous to pass the fish into a stream where there never had been any fish before, and he had great difficulty in keeping the large pools which he made full of water; he invented this plan which is certainly, in my opinion, applicable to many ladders all over the country. These cross bars of wood are the original bars of the Forsyth ladder: a piece of wood two feet in length, and the same height as the stop, is fixed at an angle to the original bar of the Forsyth ladder. The gap so made is then divided out into two chambers by means of cross bars, the result being to form a series of pools in which the fish can rest; they give

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give the fish an easy access from one pool to the other, without being knocked about, as he often is, by the wash of the water in the old Forsyth ladder. That is a plan which, I think, may be adopted with very great success. I wish to show the Committee a model which has been used by Mr. Menzies, the deputy surveyor of Windsor Great Park. I have the honour of superintending the fisheries there; the weir is under the bridge, at the top of the Obelisk Lake in Windsor Park. I stocked this pond with great lake trout of my own growing, *salmonidæ*, which jump just as salmon do. This (*referring to the model*) is the weir which he wanted the trout to surmount; this place was made by Mr. Menzies himself. The weir is 6 ft. 6 in. high, and above the jumping power of any fish; he made a series of boxes, each box being about six feet long, and 3 ft. 6 in. wide, and about 2 ft. 6 in. deep; it does not interfere with the lip of the weir.

2023. But Mr. Menzies makes an artificial bottom, does he not?—Yes, he is forced to do it, because the bottom of the river is muddy; he puts down a ladder so as to fit accurately on to the lip of the weir. The trickle over this six-feet weir soon fills this box; it is concentrated into six or eight inches, and fills the other boxes consecutively; the consequence was that, within two hours after that was put down, the fish went up.

2024. In fact you make it into three pools, do you not?—Yes; we make it into three pools. This system is applicable to some weirs on salmon rivers, plus a flood guard.

2025. Mr. *Lowther.*] This is made of wood, I suppose? — Yes; it is close to Cumberland Lodge.

2026. Mr. *Liddell.*] I presume it is a mere brook?—Yes.

2027. *Chairman.*] It is a mere artificial communication, I suppose?—No; it is a stream that drains to other ponds in Windsor Park.

2028. Earl *Percy.*] It is not absolutely necessary to the working of that plan, that there should be a wooden foundation, I suppose?—No; here is another model (*producing a model*) of a pass which is in use at Warkworth. The honour of this pass is to be given to Mr. Tait, the Duke of Northumberland's agent, who invented it, and it acts exceedingly well; the important principle involved in this pass is the peculiar formation of the steps that go across it; instead of being alternate they run, as may be seen by the model, right across where the water runs down; they have a little notch in them, in the middle, and they are sloped upwards, so as to make a series of weirs. When the water is coming down it spends a good deal of its violence in the hole between the bed of the pass and the sloping stops; and then it turns over the edge of the slope of the stop with considerably less force than it would if the stop was straight across; and besides this, this plan gives rest to the fish underneath.

2029. *Chairman.*] You have an artificial bottom there, have you not?—Yes; you must have an artificial bottom in a case of this kind; this is adopting the pool system to the Forsyth ladder. Mr. Tait says, "This ladder is just about as nearly perfect in principle as I should care to see it; fish that had been hatched going up this autumn had only occupied a minute and a half in the journey, and did not appear to pause at all between the leaps. The angle at which the steps are fixed, and the hole cut out of their upper edges, are great successes; the ladder is a suggestion of his Grace the Duke of Northumberland, and it is extraordinary to find with what a small quantity of water the pass can be worked efficiently.

2030. Is that very successful?—What I have read from Mr. Tait is evidence of its success. Then Mr. Tait has a flood guard; it is a joint in the ladder itself, which works up and down by means of a crank or frame; it is a kind of valve, but it does not work quite so satisfactorily as we could wish, because there is a man's hand and brain required to set it in motion; it is not self-acting, but he has very nearly finished a floating self-acting one which will settle the difficulty.

2031. *Chairman.*] Have you any other models that you wish to show to the Committee?—Yes. I have gone through a good many of the plans that are now or may be hereafter in use in England. But I wish to draw the attention of the Committee to a plan which is in use in Norway, which is proposed by the Inspector of the Norwegian fisheries; and for some cases it may certainly be applicable, particularly in spots where the fish can be watched as they are going along. This is a natural precipice (*producing a drawing*), and these are granite or limestone rocks on each side, which no man can touch, by blasting or otherwise. At the time that the fish are going up, the Norwegians cut down fir trees, and plug them together, so as to make boxes, and the boxes are connected with one another by means of passages; the boxes are then put one above the other, to form steps, until a series of boxes is formed, so that the bulk of the fish entering in from the pool below, which it is certain to do, will pass from box to box, from the foot of the weir into the lake or the river above the lake, as it were by an overland route. There is a difficulty about that, on account of poaching; but it is very easy to place a man at the weir, to watch when the bulk of the fish are likely to go up, which is shortly before spawning time. That system may be made applicable in England, and especially on waters like the Taw and Torridge, at little expense, where no mechanical contrivance besides that would do it. I believe that fish will travel in the dark: and it may not be impossible hereafter to arrange ditches, so to speak, cut round by the side of a weir, and divided into pools, so that the fish may run through these bye-wash ditches, and pass up by the side of a bad obstruction, which is not to be surmounted in any other way. In concluding my evidence on ladders, I would wish to put on record a few general remarks about them. The first is that there is hardly any weir in the kingdom which cannot be improved for the passage of fish. 2nd. If the weir is impassable, see if the bye-wash cannot be utilized. 3rd. The same form of pass or ladder is not applicable to all weirs. 4th. The more gentle the gradient of the ladder the better; the ladder may be reversed to get less incline. 5th. The wider and deeper the ladder, or pass, the better. 6th. The rougher the ladder, the better and the less suspicious the fish. 7th. The foot of the ladder should be in the place where the fish naturally congregate. 8th. The foot of the ladder should be as near as possible to the natural predominant current; the water running down the ladder should, if possible, be made to be the predominant current. 9th. The head of the ladder should have a flood guard affixed, to regulate the force of the descending water. 10th. The pool system is, in most cases, superior to the

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Forsyth system. To these I will add that trees, and stones, and rocks are very often of great service in making ladders. Next, that a new plan has lately been brought to my notice of making solid blocks of concrete with gravel, which you find in the river bed. You make a common square deal box, and mix the gravel in the river bed with roman cement, and you place this in the box and make monster bricks, which monster bricks can be seen forming large portions of the Teddington and Chertsey Weirs, and also at the Admiralty Pier at Dover, and at Hartlepool, and other places. You do not want to buy any material; it is all handy. The last observation is that, according to my actual experience, I find that private talking and reconciliation is, in nine cases out of ten, very much preferable to crude law, so to speak. In many cases we have reasoned with the owners of the weirs, who are very obliging if they are treated in a proper way. That is my experience all over the country.

2032. Mr. *Liddell.*] You think that persuasion will do what enactments might fail to do?—Yes.

2033. *Chairman.*] Will you now direct your attention to the subject of gratings; at present, I think, some gratings are provided for under the 13th section of the Act of 1861?—Under the 13th section of the Act of 1861.

2034. That is to say, for artificial streams?—Yes.

2035. Those gratings are principally applicable to cases of navigation companies and water companies, are they not?—Yes. I may state that, in my opinion, the subject of gratings is exceedingly important.

2036. At present I believe the only legislation on the subject of gratings is that section of the Act of 1861?—That is the only legislation on the subject. I think it important that there should be gratings on all mill leats and navigation canals.

2037. On all artificial channels, in fact?—On all artificial channels.

2038. Does your remark apply to the head-race merely, or to the tail-race also?—Both to the head-race and the tail-race.

2039. You think that where the artificial channel leaves the main stream, and where the water is restored to the main stream, there should be gratings?—Yes.

2040. Will you kindly give the Committee your reasons for thinking so?—There is a model (*producing a model*) representing an artificial channel, taking water away from a main river; there are two things to be guarded against; in managing mill leats; first of all the entrapping of the young fish, and secondly, the entrapping of the old fish. I say it is a monstrous thing that after boards of conservators have been at the expense of passing fish over weirs in some way or other, and protecting them during the winter season, their stock of young fish for future years should be sucked down into a mill-leat, because it diminishes a great quantity of the conservators' stock in hand; and I believe it not only kills the young fish, but it kills the old fish too. This model represents a mill-wheel, which turns one way if it is an undershot wheel, or the other way if it is an overshot wheel; the water comes down and impinges on the paddles of the wheel, and then passes out at the lower end of the mill-leat. At certain times of the year smolt are coming down, and it sometimes happens that at that moment there is no water running over the edge of the weir, the smolts must then go into the mill-leat; a grating is necessarily, therefore, at the head of the mill-leat, and this grating should be placed, in my opinion, diagonally, and not at right angles to the mill-stream.

2041. By that means I suppose you prevent any diminution of the water flowing over the mill wheel?—Yes; I should like to see the mill leat widened, but where you cannot widen a mill leat you can adopt this plan.

2042. In any case, such as that mentioned by the honourable Member for Kendal, where the mill-stream is by the side of a highway and cannot be widened, there you would place a grating diagonally across the channel?—Yes, in this case; if the grating is diagonal, my own private opinion is that the bars should be straight up and down; my colleague and myself do not quite agree about that, but what I think is, that the miller's man can clean them better from weeds than he can clean the horizontal ones.

2043. You prefer having a perpendicular grating?—Yes, when it is oblique, but when it is right across a mill leat, I like a horizontal one. When it is oblique, I prefer the perpendicular, because the fish coming down the stream would be passed on from one bar to the other; however it is just a matter of opinion.

2044. But either the one or the other would be tolerably effective, I suppose?—Yes. It is very important that the bars should be made of iron. Both my colleague and myself know from experience if the bars are made of wood they get thoroughly wetted, and when the water goes down the sun warps them directly; the consequence is, that you have gaps big enough to let a half-pound fish through. We have often found that.

2045. With regard to the grating at the head-race, you have mentioned the young fish; is it not necessary also on account of the old fish?—Yes; the kelts get very much exhausted after spawning, and they come down in a very weak state. They will follow the current of the river, and that current will often take them under the mill-wheel. I do most seriously wish to impress on the Committee the absolute necessity of making millers put down gratings for the sake of the kelts. A 20 lb. kelt is a fish who has gone through a great deal of danger and difficulty, and he only requires a little more feeding to make him a very valuable fish. Now, in order to show the Committee why it is so necessary to preserve the kelts, I will bring before you the cast of a kelt (*producing a plaster cast*) killed last Christmas in the Galway Fishery, and you will see what an enormous creature it is. The fish went down the leat and under the mill-wheel, and the wheel broke his back completely across. That fish is lost; but it might otherwise have come back a very handsome and large fish.

2046. Mr. *Liddell.*] That fish would have weighed 40 or 50 pounds, perhaps, if he had gone to the sea and remained there, and returned?—Yes.

2047. *Chairman.*] It was utterly destroyed at a time when it was unfit for food?—Yes, that fish had a very good chance of coming back as fat as the one of which I now produce a cast (*producing another cast*), which weighs 44 lbs., whereas, the one that was killed weighed 25 lbs. only. This fat fish was worth about 2 *s.* 6 *d.* a pound, that is, 5 *l.* 10 *s.*, whereas, that other fish

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was worth nothing; so that one single stroke of the mill wheel destroyed 5 *l.* 10 *s.*, and took away the life of an innocent creature at the same moment. I bring this matter before the Committee to show them one instance, and of course those instances are multiplied by hundreds, and which makes a great deal of difference to the country.

2048. Now with regard to the grating at the foot of the tail race, will you kindly state to the Committee what you have to say about that?—I think it is necessary also to have a grating at the foot of the tail race, but it is an exceedingly difficult question of mechanism, because the millers always say that you drive the water back on to their wheel.

2049. You think it desirable that there should be a grating there?—Yes.

2050. What mischief would the grating prevent?—It would prevent the fish running up and being killed by the mill-wheel, or being caught by the millers' men under the dark arches.

2051. Now with regard to this grating, cannot the same means be taken to obviate the objection as you have already explained to the Committee with regard to the head race?—Perhaps so.

2052. You need not put in a grating with small bars, you might put them of the kind that you require for the purpose?—Yes.

2053. The same principle is applicable to both cases, is it not?—Yes, I think it is; that is a new idea, and a very good one.

2054. Or you might widen it exactly in the same way?—Yes.

2055. And in that way it might be constructed, so that the same quantity of water would pass through as would flow through the artificial channel if it remained in its original condition?—Yes; I have here (*producing a model*) a *chevaux de frise*, made with wire, which keeps on turning round with the stream as it comes down.

2056. Would not that be very costly?—No, it is only made of lengths of wire run through a wooden bar, all easily rigged up at a blacksmith's shop.

2057. You think that a grating might so be placed against the tail race, without any injury to the millers?—Yes; I would also call the attention of the Committee to a law passed this Session for the Irish fisheries. It is the new Irish Fishery Bill which was passed in April of this year (1869), and there is a clause in it to this effect, "Be it enacted, that all water courses, channels, or sluices constructed for the purpose of conveying water from any river frequented by salmon for the supply of towns, and the irrigation of lands, or any other purpose, other than the supply of water for navigation, or as moving power for millers, or for fish ponds, there shall be placed and fixed by the occupier, and such water courses, channels, or sluices at their points of divergence from, and return to such rivers and above and below such sluices, a grating or lattice, and that the space between the bars shall not exceed two inches in any place." The long and short of it is, that there shall be a grating at the top and bottom of all mill leats.

2058. I am afraid that that clause is limited very much to the same streams as we have already provision made for in the Act of 1861, except that it gives a grating at the foot of the tail race?—Yes.

2059. I presume that you have taken means to ascertain the opinions of Boards of Conservators throughout the kingdom on the subject?—Yes.

2060. Do you not find generally a concurrence of opinion with regard to the necessity for having gratings?—That is a point on which there is no difference of opinion whatever, and never has been.

2061. Do you propose that these gratings should always be down, or would you have them so constructed that they might be removed on occasion?—I would put them down according to the habits of the fish; when the smolts and kelts are coming down, the upper gratings ought to be in, and when the spawning fish are coming up, the lower grating ought to be in, and that will about satisfy the wants of the miller for water for the wheel, I think. That is to say the upper gratings ought to be in from January to June, and the lower grating ought to be in from June to December. I merely put this forward as a general outline.

2062. You have mentioned to the Committee certain provisions with regard to the Irish law; is not there some provision in the Scotch Fishery Acts with regard to gratings?—The Scotch Fishery Acts give very minute instructions in the bye-laws with regard to the preservation of fish from the mill wheel. The wording of the Scotch bye-law is somewhat difficult to understand without a plan.

2063. Mr. *Liddell.*] Have Boards of Conservators in Scotland the power to make bye-laws?—No.

2064. Then who makes them?—The Boards of Conservators make bye-laws it is true, but there is nobody to put them in force. This model (*producing a model*) will show the Committee what is meant. This is water running down the stream; here is the mill leat; there is the weir which obstructs the water that drives the wheel. The first ordinance of the Scotch law is, that there shall be a grating at every entrance of an intake of every mill-lade. The second law is, that it shall have another grating exactly in front of the wheel.

2065. What is the object of the second rule?—The object of the second rule is connected with the third provision, namely, that there shall be a hatch leading from the mill-lade into the bed of the river, so that the fish shall be enabled to pass down. If they escape through this upper grating, by the removal of the hatchway they are passed immediately into the river again if they happen to collect in front of the mill wheel.

2066. That provides against a contingency that cannot occur, does it not; how can the fish get through the upper grating, if it is fixed properly?—It is in case they should do it, I suppose.

2067. Colonel *Amcotts.*] You mean that it is a double precaution?—Yes, a double precaution. The next ordinance is that there shall be a grating at the bottom of every mill-lade, so as to prevent the fish going up into it.

2068. *Chairman.*] The powers with regard to bye-laws, in Scotland, appear to be given by the "Salmon Fisheries (Scotland) Act, 1862," by the 6th clause?—Yes.

2069. Under that Act, bye-laws appear to be made by Commissioners appointed under the Act?—Yes.

2070. One bye-law provides that, "At the intake of every lade there shall be placed, and constantly kept, a heck or grating for each opening, or one embracing the whole openings, the bars not

not to be more than three inches apart if horizontal, and not more than two inches if vertical. A similar heck or grating shall be placed, and constantly kept, across the lade or troughs immediately above the entrance to each millwheel; a similar heck or grating shall be placed, and constantly kept, across the lower end of each tail-lade, at its entrance into the main river." Do you recommend that similar powers should be granted in England and Wales?—It would give immense satisfaction to the whole country.

2071. Do you think that these powers may be granted without detriment to the millowners?—I think they may. I may add, it has been found that salmon are sometimes frightened at white objects being placed in the water. An old Act of Parliament of King George the Third imposes a penalty on people who place any white substance on banks of rivers, to prevent smolts going near an object; and it occurs to me that we might whiten the posts and walls to keep the fish away from them. I think it is an experiment worth trying, to whiten the posts and woodwork at the lower and upper ends of the mill-leat with white paint to see whether it would deter the fish from passing down.

2072. With regard to weirs, do you desire to make any observations to the Committee with regard to the operation of the 12th section of the "Salmon Fishery Act, 1861"?—The 12th section of the "Salmon Fishery Act, 1861," gives the power to fish within a certain distance from the weir. The Boards of Conservators, myself, and most people connected with salmon fisheries, are very anxious that that distance should be extended, and that it shall be extended to 100 yards instead of 50 yards.

2073. Then with regard to the 23rd section of the same Act of Parliament, have you anything to say?—The 23rd section of the Act of 1861 allows the proprietor of any fishery, with the written consent of the Home Office, to attach fish passes to every existing dams, but it does not act satisfactorily to the public; that is to say, to the salmon public, because it puts in a proviso, "So that no injury be done to or the milling power, or to the supply of water to or of any navigable river, canal, or other inland navigation, by such fish pass." And then after those words there comes a difficulty about what should happen in case damage should be done to weirs.

2074. That is under the proviso at the end of the section?—Yes; and that is the reason why this is not more acted upon than it hitherto has been.

2075. In fact, that proviso occasions the difficulty which renders that clause inoperative?—Yes. I should like to have that clause altered.

2076. You would like to be rid of the proviso, I daresay; have you any words to suggest in order to meet your view?—No, I can only state what we all wish; I think that there might be some person appointed to arbitrate between Boards of Conservators and the millers, with regard to how far a salmon pass did or was likely to injure a weir.

2077. I suppose that might be referred to the magistrates in petty sessions, or to some other tribunal?—Yes; just so.

2078. Now with regard to weirs; do you wish to make any observation to the Committee on that subject, in addition to what you have stated already with regard to the weirs on the Severn?—There are several very obstructive weirs on the Severn, and we have great difficulty in getting the fish over these weirs. In the Severn Navigation Act of 1842 there are some exceedingly good clauses, which enact that the Severn Navigation Commissioners should keep these weirs in proper repair.

2079. But the Committee have heard recently that the protective clauses in the Severn Navigation Act have not been enforced?—Just so; the matter is referred to the justices of the peace in quarter sessions, and, so far as I understand the matter, there is no judge to say at the quarter sessions whether they are efficacious or not; but I have good reasons to believe that those enactments will shortly be put in force by the Board of Conservators of the River Severn, in order to see what can be done.

2080. Now I think that there is some legislation in France on this subject?—Yes.

2081. Do you think that that legislation might be advantageously extended to this country?—There is a French law about weirs, which is quoted in the Salmon Fisheries Report for 1864. By the French law it is insisted that ladders for fish going up to spawn are to be provided by the State, and when those ladders may interfere with private rights compensation will be given. That is the French law, I believe, and I have not heard that it has been repealed.

2082. Is there some provision in the American law with regard to this matter, which you think would be advantageous in this country?—The American law applies to the obstruction of the passage of fish in the Connecticut and Merrimac rivers. It is given in Mr. Ashworth's book on salmon fisheries. The long and the short of it is, that all persons who may build dams in streams, annually frequented by salmon, must keep open sufficient fish ways for the passage of the fish, unless they are relieved from doing so by a special Act of the Legislature. It provides that the Commissioners shall order certain ladders to be built on all the weirs; and as far as I can make out, the State and these two countries pay for it.

2083. Then, with regard to fish ladders and fish passes generally throughout the country, if these things were made compulsory, at whose expense would you have them erected?—That is the most difficult question that I have ever yet had to meet.

2084. Would this principle be a just one; that is to say, if the dam is a new one, and the owner has no legal right to it, probably you would think it reasonable that he should be required to make a proper fish pass?—That is so now with regard to all new dams.

2085. Would you have that principle applied to all existing dams and weirs that have not attained a legal status?—As far as I understand the matter it is really a question whether there are any illegal dams in the country, because the navigation dams, which are big dams that command the entrances to rivers, are legal under their respective Acts of Parliament. But then the question of other dams being legal is purely a question for the lawyers, and I understand that one of the judges says that if the dams have been up for 20 years they are legal, therefore it would be difficult to make them illegal under that decision.

2086. But, leaving out of the question the legality or illegality of the dams, or how it is to be ascertained, I ask you whether, if they are illegal,

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illegal, you think the owner of them should be obliged to make a proper fish pass?—So long as it did not interfere with the rights of property I think it might be so, but if it interfered with the rights of property it would not be right.

2087. But if the dam is illegal it interferes with the rights of other persons, does it not?—I should be very glad to see a fish-way made over all weirs, but I am not in a condition to say how it is to be done exactly. I would only point out that at this moment the Acts of Parliament merely give Boards of Conservators a great deal of power over weirs. I would put it in this way, that the Boards of Conservators, as the matter stands, may fix passes to any weirs they please, subject to certain provisions.

2088. You have informed the Committee that the proviso and the end of the 23rd section of the Act of 1861 makes the clause almost a dead letter; have you not, in your experience, found that that is so?—Yes.

2089. If a man is very friendly to the subject of Salmon Fisheries, and chooses to let you do it you may do it, but unless he does choose to let you do it you can do nothing?—Just so. Then Boards of Conservators have the power to alter passes; they have got very great powers. I do not think this has hitherto been brought prominently before the Committee; Boards of Conservators actually have the powers to purchase any weirs by the 27th section of the Act of 1865, in order to remove them.

2090. They may do that by agreement, may they not?—Yes.

2091. To come to another point; I see in your last report you have already stated your opinion in these words, "I also am of opinion that there should be power to purchase weirs, under the provisions of the Lands Clauses Act"?—If that can be done we have settled the difficulties, with regard to the ladders, the legality and illegality of dams, and everything else.

2092. You consider that that would be of extreme value and importance, in connection with salmon fisheries?—That is a thing which I recommend, to save all dispute. Bring the money to the owner of the dam and say, "There is the money, take away your dam;" that would not be unfair on any one. The only difficulty is, to find the money, because I know the poverty of the Boards of Conservators, in some places.

2093. But the provisions of the Lands Clauses Act effectually protect the owners of property in that respect, do they not?—Yes.

2094. I think that the next point to which I should direct your attention is, the question of bye-laws; that divides itself into a good many heads, does it not?—Yes.

2095. Is it your opinion that in addition to improved legislation, there should also be a general power of making bye-laws?—I am strongly of that opinion.

2096. I suppose, with your approval, powers for that purpose were inserted in the Bill introduced by the Government in the present Session of Parliament?—We, as advisers of the Home Office, advised that that should be done.

2097. The 20th section of the Bill embraces a number of subjects which you think should be provided for under bye-laws?—Yes; nets, licenses, close time, and other regulations, and the details of salmon fisheries.

2098. And to that I gather should be added, in your opinion, power to place gratings over artificial communications?—All artificial communications whatever.

2099. However, you think that the subject of grating should be provided for by legislation, either directly in an Act of Parliament, or by a power enabling bye-laws to be made on that subject?—I think you should put it in a general Act of Parliament, and leave the rest to bye-laws.

2100. How do you suggest that bye-laws should be made; would you give that power to Boards of Conservators in the first instance?—As representing Boards of Conservators at this minute, I would beg to quote a few of their printed wishes, "and one of the most important points is the necessity for giving Boards of Conservators power, with the approval of the Secretary of State, to make bye-laws for the purpose of regulating the time and manner of fishing within the respective districts." That is what the Severn Board say.

2101. Have you not similar expressions of opinion from Boards of Conservators of the Lune, the Ribble, the Fowey, the Tees, the Tyne, and the Coquet?—Yes; I must say at the same time that there are some persons who own fisheries who are exceedingly adverse to passing bye-laws; and I hope that the Committee will take an opportunity of examining those who are interested pecuniarily in fisheries, in order to hear what they have to say why bye-laws should not be enacted in certain places.

2102. You have not informed the Committee how you think bye-laws should be made; do you approve of the mode prescribed in the Bill introduced by the Government this Session?—Yes; that Boards of Conservators should have the power to make bye-laws, they knowing the local circumstances and the wants of the river; and then the matter should be locally inquired into by officers of the Home Office, who should report to the Home Secretary their opinion, and then he should do what he thinks fit, upon representations made to him by the officers of the Home Office, seeing that no injustice is done to anybody.

2103. Your opinions with regard to the necessity of bye-laws were held by your predecessors, Mr. Ffennel and Mr. Eden, were they not?—Mr. Ffennel, for whose opinions I have the greatest possible respect, states his opinion, even so early ago as 1864, in words which, now he is dead, carry more weight than when they were written. After a vast amount of experience on the subject, he says: "The fishery question involves such a variety of matters, arising out of local and peculiar circumstances, that it is difficult, if not impossible, to meet them all by direct legislation in a manner so complete that the spirit or principle of any Act of Parliament can be fully carried out; and I can see no way to overcome this difficulty, except through the agency of an authority to make bye-laws. I think it would be expedient and legitimate to sanction the principle of bye-laws, subject to some disinterested controlling power, for the purpose of practically ratifying the intention of the Legislature, by enforcing the laws in the spirit in which they were enacted, and upholding the principles upon which they were undeniably based."

2104. I dare say you are aware that the Royal Commissioners, in their Report of 1861, also recommended

ommended that there should be power to make ye-laws?—Yes.

2105. That opinion is expressed in these words, 'The power of making bye-laws obviates the necessity of repeated applications to Parliament to amend the Acts"?—Yes.

2106. Colonel *Amcotts.*] Do you think the introduction of the courts of quarter sessions between the conservators and the Home Office, would be a convenient and satisfactory mode of framing bye-laws?—No, I think it had better come from boards of conservators. Perhaps it would be rather a drag upon the proceedings.

2107. *Chairman.*] Might it not happen in Durham, where we have the Tees Fishery Board, and the Tyne Fishery Board, and the Wear Fishery Board, that it would be convenient for the court of quarter sessions to make a general code of bye-laws applicable to the whole county?—I am afraid that I cannot adopt that opinion.

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2108 Mr. *Liddell.*] Is not your opinion in favour of giving boards of conservators the power of framing bye-laws, in preference to any other body, greatly strengthened by the fact that all the various interests in rivers are, or ought to be, represented by such boards of conservators?—Yes; that is the reason why I recommend that boards of conservators should have the power of framing bye-laws, namely, because all interests are represented upon them.

Tuesday, 27th July 1869.

MEMBERS PRESENT:

Colonel Amcotts.
Mr. Assheton.
Mr. Dodds.
Colonel Edwards.
Mr. Staveley Hill.
Mr. Knatchbull-Hugessen.
Mr. William Lowther.
Earl Percy.
Mr. Whitwell.

JOSEPH DODDS, Esq., in the Chair.

Mr. Spencer Walpole, called in; and Examined.

Mr. *S. Walpole.* 27 July 1869.

2109. Mr. *Knatchbull-Hugessen.*] Is this a correct copy of the letter addressed and sent by you to Mr. Paterson, on the 24th December 1868. "My dear Sir,—Mr. Buckland and I are anxious to see both your brother Commissioners and yourself, in regard to the amendments which it may be thought advisable to introduce into the present Salmon Fishery Acts; and we shall be very glad if you or they could conveniently meet us, either here or at your own office, on one of the days of next week.—Faithfully yours, *S. Walpole*"?—Yes.

2110. Had you, previously to writing that letter, agreed with Mr. Buckland to ask the co-operation of the Special Commissioners in suggesting to the Home Office amendments in the Salmon Fishery laws?—Yes, Mr. Buckland asked me to write.

2111. Was that letter written with the sole object of securing that co-operation?—With the sole and very sincere object of securing that co-operation.

2112. Were you aware, at the time of deciding with Mr. Buckland to write that letter, that Mr. Paterson had written, or was about to write to the Home Office on the subject?—No, we were not aware of it.

Mr. Francis Trevelyan Buckland, re-called; and further Examined.

Mr. *F. T. Buckland.*

2113. *Chairman.*] I wish to call your attention to the answer which you gave to Question 2057 on Friday last, in reference to the Irish Fishery Bill of the present year; I think you answered the question without having the document to refer to; now that you have the Act of Parliament, will you kindly correct that answer?—I had not the document with me when I was last examined, but I now wish to put in the Act of Parliament itself, and to refer the Committee to a clause which is in that Act.

2114. You mean the 4th section of the Act of the present Session?—Yes.

2115. "In the construction of the said 'Salmon Fishery (Ireland) Act, 1863,' and the Acts to be construed therewith, the exemption from compliance with the provisions of section 76 of the Act 5th and 6th Victoria, chapter 106, of owners, lessees, occupiers, and other persons in respect of watercourses, cuts, channels, or sluices, where such watercourses, cuts, channels, or sluices are constructed for the purpose of conveying water from any river frequented by salmon as a moving power for machinery, shall be deemed to extend, and shall extend, only to such cases in which, and for such periods during which it shall be proved to the satisfaction of the said Inspectors of Fisheries that such exemption is necessary for the effective working of any such machinery"?—Yes.

2116. That is the clause to which you wish to refer the Committee, instead of the one which you quoted in reply to my former question?—Yes.

2117. Before the rising of the Committee on Friday last, you expressed an opinion that it was desirable that there should be a power vested in somebody to make bye-laws?—Yes.

2118. Will you inform the Committee why you think it desirable that such powers should be given?—I was speaking at that time of nets.

2119. Is there so great a diversity of nets throughout the country that it would be next to impossible to frame an Act of Parliament that would apply to the working of each of those kinds of nets?—Yes, because the formation of the beds and banks of rivers, and the currents of the tides, and so on, render it impossible to use one kind of net in all kinds of places; the experience of local fishermen is generally that they find out what is the form of engine which is best adapted for killing the fish in their particular locality, and experience in that matter is generally the master. There are about 15 kinds of nets in local use, some of them having queer names, and working each its own peculiar way.

2120. Instead of having an Act of Parliament that would apply to the working of each kind of net, you think it would be desirable to have general

general provisions in an Act of Parliament, with power to make bye-laws regulating the working of those nets?—I think the laws with regard to nets should be elastic.

2121. In other words there might be power to make bye-laws, so as to put the Act into practical operation?—Just so.

2122. Will you be kind enough to inform the Committee how many kinds of salmon nets have come under your notice?—In the Seventh Report of the Inspectors of Salmon Fisheries, 1868, several kinds of nets are mentioned; they are draft nets, stop nets, hand nets, hang nets coracle nets, shackle nets, heave or haaf nets, lave nets, pole or rake nets, stand or bow nets, beating nets, and cleaching nets; I now add to these trammels, compass nets, and the jackass net; that is a net used on the Teivy, and now made illegal; most of these nets can be seen at my museum hanging upon the walls.

2123. And there is the armour net?—Yes.

2124. That is a kind of trammel net, is it not?—It is a kind of trammel net.

2125. The present law with regard to nets is, I think, to be found in section 10 of the Fishery Act of 1861?—Yes, it is so; the present law says very little about nets; in fact it does not say enough.

2126. It merely provides with regard to the mesh of the net, and as to not having one net behind the other?—The 10th section of the Act of 1861 says, "No person shall take, or attempt to take, salmon with any net having a mesh of less dimensions than two inches in extension from knot to knot;" this requires some alteration in some way.

2127. Is it desirable, in your opinion, having regard to the circumstances that we know have occurred on the Tyne and other rivers, that there should be a maximum as well as a minimum size of net?—We find in practice that the power to have a maximum size of net is exceedingly desirable, because, for instance, in the case of the Tyne, the nets floating in the sea may be half as long as from here to Charing Cross.

2128. In some cases they exceed a mile in length, do they not?—Yes; Mr. Dunbar, I hear, took, last year, no less than nine miles of this netting from poachers.

2129. Is Mr. Dunbar the lessee of the Duke of Northumberland's salmon fisheries in the Tyne, and off the coast of Northumberland?—He is the manager.

2130. Is he a man of very great experience in these matters?—Yes, one of the greatest experience.

2131. I daresay you are aware that, in the present Session of Parliament, in the Bill introduced by the Tyne Fishery Board, it was proposed to enact a maximum size of net?—I and my colleague have had occasional correspondence with the gentlemen connected with the Tyne, and we agreed to introduce to the Home Secretary and Mr. Hugessen the proposition that that should be put into a new Bill to make some law with regard to the maximum length of net; but I am afraid that the Bill not having passed, the Tyne will suffer considerably this year.

2132. Mr. *Knatchbull-Hugessen.*] Was not that power given in the bye-laws?—Yes.

2133. *Chairman.*] There is a general power to determine the description, size, and length, and meshes of the nets to be used?—Yes, that was an important part of the Bill.

2134. In assuming, as I have no doubt you did, the introduction of a provision of that kind, you contemplated the necessity for a maximum size being prescribed in certain cases, did you not?—Yes; and it is most necessary in my opinion.

2135. I think that you desire to give the Committee some information with regard to the opinion of the conservators of the Tyne upon that particular point?—The Tyne Conservators in the report of 1869, page 100, write as follows: "The quantity of salmon caught at the mouth of the river was enormous. Illegal means of catching salmon were contrived to such an alarming extent as to make it necessary for the board to ask for officers and men in Her Majesty's navy to assist the water-bailiffs and police constables in their attempts to put a stop to the illegal fishing for salmon; methods of using nets for the capture of salmon so as to evade the law were resorted to, and with such ingenuity that in some cases the peasants placing or using such nets eluded detection, though many miles of nets, illegally placed, were captured by the officers of the board, with the help of the crew of Her Majesty's gunboat "The Surly;" and then it goes on, "Such has been the destruction at the mouth of the river, coupled with the drought which prevailed during the summer, that on the spawning beds this year it is believed that there is not one spawning fish to 50 last year."

2136. Can anything prove more clearly and decisively than that, the necessity for regulating the use of those nets in estuaries, and especially for regulating the maximum size?—I am of opinion that if it is not done the Tyne will be ruined.

2137. Is there some provision in the French Fishery law with regard to length of nets that you think we might adopt with advantage in this country?—I think the French law is, that the net shall not go more than three-fourths of the way across the stream; and it would not be a bad plan to introduce that into this country as a bye-law.

2138. That would be with regard to the fishing in the Tyne; but with regard to the fish outside the bar, I am afraid that the French provision would scarcely apply there?—No; the French provision would scarcely apply there, it applies to the inside.

2139. Within rivers?—Yes, within rivers.

2140. You have mentioned that assistance was rendered by one of Her Majesty's ships; is it desirable, in your opinion, that the coastguard officers and the police generally should be employed to assist in protecting the salmon fisheries in estuaries and on the sea-shore, where the right of fishing is public?—I think it would be most desirable that it should be so; this would be a great assistance to Boards of Conservators, and I think the coastguard themselves would be very glad to do it.

2141. My question has reference now exclusively to such salmon fisheries as the public have the right of fishing in?—Just so.

2142. And not to any several fishery or private fishery?—Just so. I think in the case of public fisheries it would be most desirable, in the interests of the public, because I believe it would increase the supply to the public very considerably.

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2143. Now, is it desirable, in your opinion, that there should be in certain cases a mesh of a smaller size than that prescribed by the Act of 1861?—It so happens that in certain rivers the sea trout come up (they are called "sewen" in Wales) into the river at certain times of the year, when there are no salmon in the river, and a two-inch mesh will not catch them; they will go through the meshes of the net, so that a great many of them escape, and the consequence is that the fishermen use the small mesh, and act illegally, as the fish are openly sold in the markets, especially in Carmarthen and other Welsh towns, under the name of "broilers;" they are about as big as herrings; I had some served at the hotel that could not have been caught with a two-inch mesh; the mesh must have been much smaller, because the mark of the mesh was upon their shoulders; therefore, I think it is just to the poor fishermen to be allowed to catch these small fish when they are in the river, and therefore that boards of conservators should have the power to make bye-laws to allow men to use small-mesh nets at certain times of the year.

2144. I should be glad to have your opinion further upon this point, because I have been applied to by some of my constituents who are interested in the estuary of the Tees, and who are of opinion that it would improve the salmon fishery of the river if they were allowed, after the ordinary season for salmon fishing, to destroy the sewens or "scurfs," as they are called in the north of England; what is your opinion with regard to that?—The case which I had in my mind was where the fish came before the salmon; it rather alters the question if the "scurfs" come after the salmon.

2145. Supposing they do, is it desirable, in the interest of the salmon fishery generally, that the conservators should have that power?—If the conservators think proper, most decidedly.

2146. I have had a communication since the Committee began its sittings to that effect, but it has never been under the consideration of the conservators?—Matters of that kind, in my opinion, should always be left to the local authorities.

2147. I think in some Welsh rivers there is a necessity for small-sized nets?—The people who are most anxious, are those who have to do with little Welsh rivers at the bottom of South Wales, especially the people at Carmarthen, who fish the Towey, and want a smaller mesh in preference to a lengthened close time.

2148. Have you satisfied yourself by inquiry or by inspection, or otherwise, that it is desirable to give the parties the power which they seek for in this respect?—I think so, decidedly.

2149. Knowing that not unfrequently fishermen take a short-sighted view of their interests, you do not think that by destroying those fish you would injure the ordinary salmon fishery afterwards?—The salmon are not in the Towey when the sewen come, and therefore they cannot catch the former.

2150. You think it desirable that their application should be granted?—The fishermen of the Towey are a peculiar class of people; they have been looked upon hitherto as rather rebellious subjects, but from what I have seen of them, I think that if they had a few privileges of that kind granted to them, they would be more inclined to conform to the law than they have hitherto been. The conservators and the fishermen are now getting on a great deal better than they ever did before.

2151. I believe that on this point your predecessors entertained the same opinion that you have now expressed to the Committee, and Mr. Eden, in his report for 1864, mentions this subject, does he not?—Mr. Eden was a very good authority in matters of that kind, and having always respect for the wisdom of my ancestors, I like to quote their opinion. Mr. Eden says, "It would be impolitic, for the sake of a few small rivers, to lessen the mesh throughout England. But, on the other hand, it is idle to expect that the proprietors of such rivers will sacrifice their own property for the sake of that in which they have no interest; and will further protect the breeding salmon, for whose increase their white trout fishery has been rendered valueless. This hardship would be corrected, and no confusion could arise or injury accrue by granting the power to the Home Office of sanctioning, in certain cases, the use of a mesh of smaller dimensions than is now prescribed."

2152. It is obvious that if a small sized mesh is sanctioned, at certain times, it may lead to abuses; in order to prevent that, do you not think it desirable that the power to authorise that small sized mesh should be given in the first instance to boards of conservators before it is permitted to be used?—I think that that power should be given to boards of conservators, and in all cases it should be sanctioned by a central authority.

2153. You would not apply a general law on that subject, further than to enact that boards of conservators, with the sanction of the Home Office, should have the power to sanction larger or smaller sized nets?—The conservators should, I think, have the sanction of the Home Office to allow the use of larger or smaller sized nets.

2154. You would carry that out by means of bye-laws, and not by specific provisions in the Act of Parliament?—That could be done by bye-laws, so long as they are not contrary to the spirit of the Act of Parliament.

2155. It would be contrary to the spirit of the Act, if clause 10 remained without express power to vary it in the way that we have been speaking of?—Yes; no doubt. In the new Bill there are some words which describe what was thought desirable to be done in the future; it is section 20; it says, "For determining the description, size, and length of the nets to be used in fishing for salmon in such district during the whole or any portion of the fishing season, and as to the size of the meshes of such nets."

2156. But you insert a new minimum, namely, an inch and a half from knot to knot instead of two inches, as at present;—Just so; that is the minimum I was proposing all along.

2157. Do you mention any maximum?—Yes, we make the maximum three inches.

2158. You have mentioned another kind of nets, namely, the trammel nets; I think they are referred to in the latter part of the 10th section of the Act of 1861?—The words in the 10th section of 1861 are as follows: "And the placing two or more nets behind or near to each other in such manner as to practically diminish the mesh of the nets used, or the covering the nets used with canvas, or the using any other artifice so as to evade the provisions of this section with respect to the mesh of nets, shall be deemed to be

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an act in contravention of this Act." Now the question arises what is the interpretation of the words, "placing two or more nets behind, or near to each other, in such manner as to practically diminish the mesh of the nets."

2159. You are perhaps aware that the interpretation of this portion of the section has given trouble to the magistrates in my own neighbourhood?—I am aware of that; this net (*producing a net*), is a net on both sides of which is placed what they call walling; the fish passes through the outer net, and immediately pockets itself in the inner net and is caught, having a less chance of escape than if the extra net or walling was not present. The question arises whether this outer net is a net at all, because you could not catch a fish well with the walling alone, but it is supplementary; the question is, whether it comes under this section as practically diminishing the mesh of the net; it is also a point whether the mesh is diminished, when it is stretched, or not.

2160. What is the difference between the trammel net and the armour net; in our neighbourhood the nets are called armed nets or armour nets?—I believe that the armour net is another name for the trammel net.

2161. In fact it is placing one net behind another, so as to arm it, and make it more destructive?—Yes; armour is another name for walling.

2162. The trammel, the armour, and the walling nets, are therefore the same kind of instrument used in the same way?—Yes; but if the Committee will allow me, I will show a mode which is really a means of practically diminishing the mesh of the net (*producing a model*); this was given to me by Mr. Garnett, of Clitheroe; the original net is supposed to be these white threads, the second net is tacked on between the meshes of the white thread, and it is made in black thread, so that the meshes in this case are practically diminished.

2163. What is the size of the original net?—It is meant for a two-inch net.

2164. But surely a net altered as that is, with a black thread, is an inch-net, not a two-inch net?—No doubt; it is placing one net behind the other.

2165. And that is in express contravention of the Act of Parliament?—This is really so.

2166. You do not mean to say that such a net is used by Mr. Garnett?—No, certainly not; it is simply to explain the words of the Act.

2167. Earl *Percy.*] That clearly is an illegal net?—Clearly it is an illegal act, because it is placing one net behind another, or near to each other in such a manner as to practically diminish the mesh of the net.

2168. Mr. *Whitwell.*] Is not the difficulty that when the nets are seized, they are found separate, that is to say, if a man is not caught fishing with two nets in his possession, the difficulty is to prove that he was fishing with them close together?—Yes; no doubt it is difficult to prove that.

2169. *Chairman.*] Is it your opinion that this trammel net should be legalised in any way in certain rivers?—The Boards of Conservators differ very much about that.

2170. But what is your own opinion?—My own opinion is that they ought to be made legal in some places and utterly prohibited in other places.

2171. Is that opinion shared by boards of conservators in some parts of the country?—It is.

2172. It is shared in by the Ribble people, is it not?—Yes.

2173. I think you quote their opinion at page 94 of the Seventh Report, that is to say, your Report of 1868?—I do.

2174. I see the Conservators of the Ribble suggest, "that on and after the 15th July in each year, no person shall be allowed to fish for salmon with a net of less dimensions than three inches from knot to knot;" and they also suggest, "that section 10 of the Salmon Fishery Act of 1861 be amended by leaving out the words 'in such manner as practically to diminish the mesh of the nets used;'" do you agree in that opinion?—I do.

2175. The Conservators of the Dee have also expressed an opinion upon the same point, have they not?—Yes.

2176. This report, with reference to the river Dee, is by Mr. Mostyn Owen, the secretary, and he is a very great authority on salmon fishery, is he not?—Yes, he is one of the best salmon conservators that I know.

2177. He is the gentleman whose model of a pass at Pentrefellyn Weir, near Llangollen, you showed the Committee?—Yes.

2178. He says in his report, "I have before stated that the real increase of fish in this river is attributable to the stoppage of stake and trammel nets; and I wish here to repeat, that I know and believe that trammel nets can be so used as to damage a salmon fishery as effectually as stake nets, though not actually fixed so as to come within the section relating to fixed engines; they can be used and moved so slowly as to be just as destructive and obstructive in the lower parts of rivers, and if used in the upper parts, scarce a fish can escape them; so that all the early spawning fish, fish that have got to the upper parts early in the season, and would be the first spawners, will be destroyed, and none but late spawners left to re-stock the rivers. I would direct the attention of the Inspectors to the fact, that such treble nets, three nets behind and near to each other, have always, so far as I can learn, been illegal in Scotland, and are so now, and would not be tolerated for a moment there; they are also illegal in Ireland, Canada, and Norway, and if they were legalised in this country, I believe all the early spawning fish which now find security in some few rocky pools would be destroyed, if the trammels below ever permitted them to go so far"?——

2179. Then Mr. Owen concludes his answer to that inquiry by saying, "No net should be allowed to be put into the water within a specified distance of another until that other net was out of the water;" is that your opinion?—I quite agree with Mr. Owen in that respect.

2180. That is the point with regard to which Mr. Paterson expressed an opinion the other day?—Yes, I believe so; but I may state that the fishermen of the Dee err in that respect very much.

2181. The Conservators of the Severn have also expressed an opinion on this matter, have they not?—Yes.

2182. The Conservators of the Severn in the Report of 1868, at page 107, say, "The Court of Queen's Bench on appeal, has decided the use of the trammel net to be in contravention of

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clause 10; irrespective of this, from the manner in which the net is used in some places, it is clearly in contravention of clause 11; as to the policy of making the use of this net legal, there are many conflicting opinions. There can be no question, that in those parts of the rivers where the ordinary draft net can be used, it ought not to be permitted, while in other parts it may be the only successful mode of using a net, hence the difficulty of providing for its use by a general enactment; and it is thought, therefore, that the question might be much more satisfactorily arranged by a bye-law."

2183. Having regard to those several opinions, as well as your own experience, is it not clear, in your opinion, that the power to make bye-laws should be sanctioned by Parliament?—Certainly.

2184. In order, among other things, that trammel nets may be sanctioned where it is desirable to use them, and under proper regulations?—Just so.

2185. In your experience, are draught nets ever used as fixed engines?—I have seen draught nets used, after the manner of fixed engines, on the Wye.

2186. First of all, I will ask you, is that state of things undesirable, in your opinion?—My opinion is that in some cases it should be permitted, and in other cases it should be prohibited. Suppose this table to be one side of a river, and the wall of the Committee room to be the other side of the river, and the salmon to be where the glasses before me now are, if you bring an ordinary draft net round from the further corner the salmon will turn away and go down the stream; so it often happens that the fishermen put another draft net below to stop them, and then they are encircled. I think it should be left to the conservators to say whether it might be allowed or disallowed.

2187. If they say that it should be disallowed, that should be done by means of bye-laws sanctioned by a central authority, should it not?—Yes; and my opinion is that it should be inquired into before being sanctioned.

2188. Is there any alteration which you think desirable with regard to the distance within which the nets may be worked from each other?—I think it is very desirable that it should receive the attention of the Legislature, because it may be possible to work nets so close to each other that no fish can possibly escape. I will mention a case, without mentioning names or places, where one fish was caught 10 times over.

2189. Will you explain how that lucky fish escaped nine times?—It was a kelt coming down, the nets fishing by the side of the river caught it one after the other; the first man caught it, and seeing that it was a kelt, put it back, and the next man seeing that it was a kelt, put it back, and so on; the fish was passed into the nine nets one after the other, so that the nets must have been working very close.

2190. Colonel *Amcotts.*] What about the tenth?—There he was let go, there being only 10 nets.

2191. *Chairman.*] Mr. Owen says, at page 97 of last year's report, "I would like to draw the attention of Inspectors of Fisheries to the practice of using a number of nets (though not trammels) so close together as actually and practically to stop the passage as effectually as if it was done with a stake or fixed net"?—Yes.

2192. And then he continues, "Last season on this river below Chester, there were more than 40 nets frequently at work so close together that the passage was frequently stopped; no net should be allowed to be put into the water within a specified distance of another until that other net was out of the water;" do you concur in that opinion?—Entirely, and I would also say, that that is the French law lately passed.

2193. At all events you think it is a law that should be applied to the salmon fisheries of this country, by means of bye-laws made in the way that you have described before?—Just so.

2194. Now, with regard to license duties, is it desirable, do you think, that there should be a graduated scale of licenses?—I think there should be a graduated scale of licenses, and I may inform the Committee that it is wished for by those interested in the Lune and Ribble.

2195. And I believe a great many other boards of conservators, including the Tees?—Yes.

2196. I suppose almost every fishery board in the kingdom desire it?—The Ribble Fishery Board says, "The present net duty is felt as a serious grievance by the upper proprietors, on whom the prosperity of the fisheries greatly depends. Several tons weight of fish have been taken by two nets in a single fishery at the head of the tideway in a single night, while in the upper waters instances are known where a single net has failed to take even half a dozen fish during the whole season. Each of these nets pays the same duty. The net with its thousands, and the net with its modest half dozen fish, are assessed alike at 5 *l.* each."

2197. Does not the same observation apply with perhaps equal force to the license duty for rods; a little above the tideway there is rod fishing during the greater part of the year, but in the upper waters near the spawning beds the fish are only seen during a very few weeks; do you not think in such cases there should be a power to make a graduated scale of license duties for rods?—That is a question I have not considered, and therefore I would rather not give an off-hand answer; I think it should be left to boards of conservators to determine that point.

2198. You would give them the power, at all events, to make a graduated scale if, in their opinion, the circumstances required it?—Just so.

2199. Have you met with conservators who desire that there should be a maximum scale of license duties?—Inasmuch as a man, whom we may call A., may catch 400 *l.* worth of salmon in a year, and only pay 5 *l.* duty, and the first haul may pay his license; but a person living above Mr. Garnett, whom we will call B., may only catch one fish, and he has to pay also 5 *l.*; therefore I think there should be a maximum scale of license duties.

2200. At present there is a maximum amount, is there not?—The maximum of 5 *l.*

2201. Do you think it undesirable that that maximum should be retained?—In certain instances I think it should be greatly increased. The only other case of net I would call attention to is a tremendous big net that is worked at the mouth of the Teivy; it is called the "shotfawr" net; it is a very long net worked with big boats, and those people have the command of the Teivy by means of that shotfawr net, and a number of men are employed to work it; and yet the shotfawr pays only 5 *l.*, just the same as people

people higher up, who do not get the same quantity of fish that the shotfawr men gets.

2202. The law now is that a license shall be granted on the payment of such sum as the conservators, with the approval of the Secretary of State, may fix, but not exceeding the sum specified in the Schedule; I understand you to propose that there should be no maximum, and that it should be left to the conservators, with the sanction of the Home Office, to fix what the scale of license duties should be?—That is my view, subject to my next answer.

2203. Probably it would be desirable to repeal the provision with regard to the maximum duty altogether; the 5 *l.* is too little in many cases, and 25 *l.* may be too little in some exceptional cases?—I think there ought to be a maximum stated in the license, that is to say, that it shall not exceed 25 *l.*

2204. Might we not leave that entirely open, or do not you think, at all events, that it might be safely left to the Boards of Conservators, controlled as they would be by the Home Office?—I think it might be left open to boards of conservators.

2205. Without any maximum or minimum?—Yes.

2206. And with power to make a graduated scale?—Just so.

2207. Do you think that any distinction should be made as between the public right of fishery in an estuary, and public rights in the upper portions of rivers?—I think that that is a point which requires most careful consideration, because there are certain people who lease fisheries from landlords at the mouths of rivers, and they have to pay to those landlords money for the right of so doing, perhaps, 300 *l.*, 400 *l.* or 500 *l.* a year; and those fishermen have to put by the rent for their landlords before they can put anything into their own pockets; therefore, I think they should not be so highly charged as the people who fish in public waters, and have no rent to pay; I think that should always be taken into consideration.

2208. I think the Act of 1865 provides that the license for the use of rod and line shall not in any case be transferable; is it, in your opinion, desirable to preserve that power with regard to rod and line; I speak now of the personal use of rod and line?—Certainly; I say let it remain as it is; I think the rod license should be made personal, but I wish to draw the attention of the Committee to the consideration whether it would not be well to allow those licenses to be passed on from district to district.

2209. The present license is granted to be used within the fishery district only, is it not?—Yes.

2210. But I understand you to say that you would grant a license to use a fishing rod as you grant a license to use a gun?—Not exactly.

2211. In any part of Great Britain, subject to the laws of trespass?—I would let a fisherman take out his license for rod fishing in one district, and, if he wished to go on to the next district, he might have a transferable passport from one to the other, and the money might afterwards be divided between those districts.

2212. You would, in that case, require a kind of clearing house, would you not?—Suppose a man wishes to fish in North Wales, at the Dee, there he would pay one guinea, and he goes on to the Clwyd, and the Conway, and the Seiont, and the Dovey, where he again must take out licenses, though he may only require but one day's fishing in each river; my own opinion is, that some arrangement might be made with the conservators, say within a certain circle, North Wales or South Wales, Devonshire, Cornwall, and so on, between the boards of conservators, so that an angler might be enabled to pay a personal license for his rod, which rod might be available in other districts which were so joined together by mutual consent.

2213. What is your nearest point to those three districts by railway?—Chester.

2214. Would it not happen that the Conservators of the Dee fishery district would obtain the lion's share of the license duties, and that other fishery districts would be almost deprived of duties?—That would be a matter for an arrangement afterwards.

2215. How would you arrange it; would you make the man who takes out the license render a return, at the end of the season, of the number of days he had remained at the particular district in which he had fished?—I have not considered this point.

2216. In the abstract, I may say that I agree with the proposition you started with; but do you not think that there would be a difficulty in putting it into practical operation with perfect fairness to each fishery district?—I should like to consult the boards of conservators before I gave an answer to that question.

2217. But at present you see perhaps insuperable difficulties in applying a principle which is sound?—Quite so.

2218. Had you some alteration of that kind in your mind when the 12th section of the Bill of the present Session was suggested?—No, that was applicable to nets and not to rods.

2219. I suppose there is no reason why licenses for nets should not be confined to the districts within which they are intended to be used?—You must never take a net license out of its own district.

2220. Would you have it personal, or allow it to be transferred?—I object to its being transferred; I think it should be a personal license. On page 42 of the Report of 1867, the Secretary of the Dee Conservancy Board says, "No person should be allowed to fish for, or assist in fishing for, salmon without a license made out in his name, and, as a greater number of licenses would have to be taken out, their rates could be settled accordingly; but if net licenses are to be considered transferable, it is impossible to prevent their use by persons who have no right to use them, and the revenue calculated to be raised by those licenses will not be sufficient, or nearly so, for efficient preservation of the fisheries. To instance this, I may mention that last session 47 licenses were taken out by net fishermen at Chester; this season only 17 have been applied for, though the same number of fishermen (at least) are employed this season in salmon fishing; the reason is, that one license is taken out for two or three relays of fishermen, who use the license for so many hours each, and lend it, or let it for hire, yet are quite ready to swear they are using it for the person to whom it was granted; though this is well known to be false, how can it be proved so? The consequence on the funds is evident."

2221. In my experience I know the case of a man who rents certain fisheries, and employs a number

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number of men to help him, and he takes out one license only; do you think that that is a case which should be provided for in any amended legislation?—Yes, I think so.

2222. That would be done by making the license personal, would it not?—That would be done by making the license personal; the Ribble also wish for the same thing. The 34th section of the Salmon Fisheries Act, 1865, reads as follows: "Licenses for fishing weirs, fishing mill-dams, putts, putchers, nets, and other instruments or devices, except rods and lines for catching salmon, shall be granted on payment of such sums, not exceeding the sums specified in the first schedule hereto, as may from time to time be determined by the board of conservators of the district, with the approval of one of Her Majesty's Principal Secretary's of State; licenses for fishing weirs, fishing mill-dams, putts, putchers, nets, or other such instruments or devices as aforesaid shall be available only for the use of the persons within the districts, and in respect of the instruments or devices to whom or for whose use within and in respect of which the same are respectively granted;" now, I have tried to put the last few words into Latin, and other languages, but I can make nothing of it, and that clause really must be altered.

2223. How do you propose to alter it?—In the Bill that we brought before the Home Office, in clause 12, we say: "Licenses for fishing weirs, fishing mill-dams, putts, putchers, and other fixed instruments, or devices, for catching salmon, shall be available only for the use of the persons to whom they are granted, and for the employment of such instruments and devices as are named and described therein."

2224. That you think effectually meets the difficulty that suggests itself in the existing law?—I think that boards of conservators would approve of that as a body.

2225. Do you think that clause fair, and such as might be adopted by Parliament?—I think that you should take evidence from owners of fisheries and others who are affected by it.

2226. But that is your own opinion?—Just so.

2227. Then with regard to nets from boats, I see that in the Bill you suggest the desirability of their being numbered?—I do, because the boats are so often alike that you cannot swear to which boat it is; the coracle men down on the Tivey are in the habit of poaching; they are pursued by the water-bailiff, and they pull the coracle up into the woods and bushes and leave it, and there is no number on it; the man is gone, and so it is impossible to know whose boat it is.

2228. That you propose should be remedied by means of bye-laws?—Yes; that also comes under the proposed bye-laws.

2229. You would number the boats on the bow as pilot boats are numbered, I suppose?—Yes; sea-fishing boats are all numbered, except yachts.

2230. Now, with regard to the law with respect to the seizure of nets, what is the present law?—There is a little hole in the Act of Parliament which requires stopping: by the 21st section of the Act of 1861, a net used in the weekly close time can be forfeited, but a net used in the annual close time, by section 17, is not forfeited.

2231. I need hardly ask you whether it is desirable that a provision should be made to extend that to the annual close time; in fact, it is more necessary in one case than the other, is it not?—This alteration should undoubtedly be made.

2232. I believe that little difficulties occur in estuaries from the use, or alleged use, of nets for other purposes than salmon fishing; do you think that some provision should be made with regard to those nets?—I think that a good deal of injury is often done in estuaries by nets and other devices that are used for other fishing, that is to say, not salmonidæ: they complain that the nets of small mesh at the mouth of the river which catch the smelts and sparlings, also catch the smolts, that is to say, the young salmon; and I think that boards of conservators should have some power to regulate the nets in estuaries for sea fish, particularly at the time when the smolts are going down and the kelts as well; that is to say, in the spring of the year. At the time there ought to be no sea-fishing at all, because the sea fish come from the deep water to deposit their ova on sandbanks: the sea fisheries are very much kept down by people who trawl in the estuaries at that time, so that a bye-law of that kind would not only be beneficial to the salmon conservators, but to the sea-fisheries as well: that is my opinion.

2233. Have you formed any opinion with regard to the use of nets for sparling fishing?—I think it ought to be under legislation; the Wharfe also wishes to have that.

2234. I think you mention that in your Seventh Report of 1868, at page 118?—Yes, the Report says that we think it desirable "To re-enact the 23rd Geo. 2, cap. 27, which was unfortunately repealed by 'The Salmon Fishery Act, 1861,' intituled 'An Act to punish Persons who shall take or sell any Spawn, Brood, or Fry of Fish, unsaleable Fish, or Fish out of Season, or Smolts under the size of Five Inches, and for other purposes': this Act would enable the special Commissioners to abate, without further trouble, that enormous destruction by set-nets in the Humber, of all kinds of small fish, including the smelt proper, as well as salmon smolts: at present the 'set-net' fishermen evade the law in the most open manner."

2235. Referring to the question of bye-laws, have you not found that there is a general feeling throughout the country that power to make proper bye-laws should be conferred on boards of conservators, with the sanction of a central authority?—There are some folks owning fishery properties who are exceedingly anxious for bye-laws.

2336. What, in your opinion, is the feeling generally on that subject throughout the country?—The general feeling is for the power to make bye-laws.

2237. But there are exceptions to that rule, are there?—Yes.

2238. In the case of the Wye, the Duke of Beaufort entertains strong objection to that, lest it should interfere with his fishings in the neighbourhood of Chepstow?—I know there is a very strong feeling with regard to bye-laws, as applicable to the estuary of the Wye, and I hope the Committee will hear evidence on that point before deciding.

2239. Your own opinion is decidedly in favour of conferring the power of making bye-laws on boards of conservators when sanctioned by the central authority?—I think it is most desirable, and I think it would give general satisfaction.

2240. You

2240. You would, perhaps, go further and say hat you think it necessary?—Certainly.

2241. Now, with regard to the close time; I hink under the Act of 1861, a uniform weekly nd annual close time is prescribed?—Yes; by ection 19 of the Act of 1861, "No person shall uy, sell, or expose for sale, or have in his pos- ession for sale, any salmon between the 3rd day f September and the 2nd day of February ollowing;" that is the general law as it now tands.

2242. Then I think the 18th section gave a mited power to the Home Office to extend or ary the close season in that respect?—The Iome Office has the power to do that; I know om the late Mr. Ffennell that that was put in uite at the end of the debate upon the Salmon ishery Act.

2243. Is it your opinion that the law requires mendment with regard to the annual close time? —I do think that the law should be amended ith regard to the annual close time; it is the ost important question that my colleague and yself ever had to encounter; and it is a ques- ion which is attracting the attention of the whole f the salmon fishing public at the present mo- ent. As in most other salmon matters, there are wo parties; one party is exceedingly desirous to dhere to the old law of close time, but there are ther persons who wish the law to be altered in hat respect.

2244. In fact, there are reformers and anti- eformers, with regard to the close time, the ame as there are upon every other subject?— ust so.

2245. Which of those do you give your voice or; what does experience teach you is desirable? —I think of the salmon fisheries almost day and ight; and after taking evidence from the fisher- en, the gentlemen, the poachers, and the fish emselves, I have come to the conclusion, that is most desirable to alter the annual close me.

2246. That is to say, to have the power to alter e annual close time?—Yes, that is what I mean, f course; I may state that that is totally against e conclusion which was come to by the Royal ommissioners in the year 1860, when they ent round the country; but it is my duty o say what I think is best for the benefit of the ublic.

2247. Having seen the law in actual practice, s it your opinion that it requires amendment?— t requires amendment certainly.

2248. I think that the present annual close me for nets is prescribed by the 17th section of e Act, which you have quoted?—Yes; the lose time is prescribed by the 17th section of the ct of 1861.

2249. That is from the 1st of September to e 1st of February, both inclusive?—Yes, the lose time is 154 days, the open time is 211 days, ot deducting weekly close time.

2250. Do you happen to know what the nnual close time is in Scotland?—One hundred nd sixty-eight days.

2251. But the time of the year that the 168 ays commence and terminate is optional with e fishery boards in Scotland?—Yes.

2252. Is that close time the same in Ireland? -The Irish close time is also 168 days.

2253. But I do not understand you to propose o alter the 154 days in England?—No.

2254. You adhere to that 154 days in England? —I adhere to the 154 days in England.

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2255. But you would give the power to make it commence a little earlier or later than the 1st of February, according to the circumstances of each particular district?—Yes, according to the circumstances of each particular district, so it should be varied.

2256. I think the 18th section of the Act of 1861 does give a little power to the Home Office, but is that power, in your opinion, sufficient for the purpose?—The 18th section says: "The Home Office may, upon the application of the Justices in Quarter Sessions assembled, of any county abutting on water containing salmon, extend or vary the time during which it is prohibited to take salmon in such waters;" but that does not act well, inasmuch as there is no power given to the Home Secretary at present to allow a person to sell fish caught in a time so extended.

2257. If the Home Secretary altered the close time, making it from the 1st of March to the 1st of October, fishermen would be unable to sell fish captured in September, would they not?— Yes.

2258. I suppose, instead of this particular power, you think it would be desirable to give the board of conservators for each fishery district the power to make regulations with regard to the close time, they having the sanction of the Home Office?—I think it desirable to give boards of conservators the power to apply to the Home Office to have the close time in their district varied.

2259. You mean so as to meet the case of early and late rivers?—Yes.

2260. Do you know whether the close time has, in any case, been varied under the Act of 1861?—The Home Office have received frequent applications to vary it, but the Inspectors cannot advise that it should be done, on account of the absence of power of sale; but it has been varied in one case, in the case of the Coquet, where his Grace the Duke of Northumberland wished to destroy the bull trout, in order to turn the Coquet into a salmon river, if it were possible.

2261. What variation did you make there?— Persons are now allowed to fish to the end of December, and the consequence was that last year they killed a very large number of bull trout.

2262. And very recently I think they have been making a further application?—My colleague and myself are going to the Coquet the moment this inquiry is over, to inquire into the question.

2263. What they propose is, that instead of the close time being between the 1st of September, and the 1st of February 1870, that the close time be made between the 1st of January 1870 and the 1st of February 1870, for the purpose of endeavouring before it commences to take and destroy the bull trout, or sea trout, in the river Coquet, and to introduce the ova and young of the salmon?—Yes, there is an objection to its being carried out this year, and that is why we are going to inquire into it. I have a diagram here to illustrate a sliding scale which I propose for the close time (*producing a diagram*). The first figure is the 2nd of February, and the last figure is the 31st of August, in all 211 days. I have made out on another card a series of figures which represent the number of open days. This

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blue line represents a river which begins to fish on the 2nd of February, and closes on the 31st of August; that is one class of river according to the existing law. Another class of river is represented by the red line; they would begin to fish say on the 1st of March, and that would take them on to the 15th of September. Then a third class would begin on the 15th of March, and take their fishing time on to the 30th of September. But at present I do not think it desirable to let anyone fish over the end of September. This however is a sliding scale which may be adapted to the various requirements of rivers.

2264. Are you aware that in many rivers in England it is desired that they should fish after the end of August?—I will point out on the map how the case stands. If we begin on the south coast of England and take the rivers Exe, Otter, Dart, Avon, Fowey, Camel, and the Taw and Torridge, all those are late rivers, and naturally the fish do not come up so early. Then crossing over the Bristol Channel, there are the rivers Dovey, Cleddy, Teivy, Ayron, Towey, Seiont, the Conway, the Clwyd and Elwy; those I consider to be all late rivers. My colleague will give the Committee evidence about rivers in the North, which I have not yet examined.

2265. Mr. *Whitwell.*] What is the cause of rivers being late?—I have a great deal to say on that point; the cause is partly geological, partly a matter of temperature, and partly a matter of the actual formation of the river itself. There can, I think, be no doubt in the world that the presence or absence of a lake has a great deal to do with the fish running up into rivers; the salmon is naturally a creature endowed with a great deal of instinct, and it is difficult to get it to change its habits for the use of man. Suppose this diagram (*producing a diagram*) to be an estuary, and this to be the water running down from the river; the salmon will stay in the estuary as long as it can, because it is there safe, and knows that if it went up into the river there is a great chance of its being destroyed; and there is the additional fact that it cannot get up many of these little rivers, because there is no water. Suppose this is a river rising high up in the mountains but with a big estuary at its mouth, the fish will stay down in the estuary as long as they can; but if we reverse the diagram, and turn the estuary into a lake, we find that the fish will not as a rule stay (of course there are exceptions) in the sea, but will make a rush to the river to get to the lake, and there they will remain in the lake. That will give a general idea to the Committee of one of the reasons, at all events, why some salmon rivers are early and some are late.

2266. In England, you think that each river must be taken as a separate district rather than as part of a zone across the country, making a change of temperature?—I think that each river requires regulations of its own.

2267. *Chairman.*] I think that upon this point there have been official statements made from time to time?—Yes; the river Axe is carefully looked after by Mr. Hallett, a gentleman of property, who takes a great deal of interest in the river, and he is very anxious that the fishing should be prolonged, because the salmon do not come up until after the legal fishing is closed.

2268. That is to say that gentleman is of opinion that the season should commence later and continue later?—Yes. On the Fowey, in Cornwall, they are exceedingly anxious about it: I have held two meetings on the Fowey, and I have met both the fishermen and the Board of Conservators, and there can be no doubt in the world, from what I have ascertained, that the fish do not come into the Fowey until after the netting season has ended; and I think that the fishermen in the Fowey have shown exceedingly good behaviour in abiding their time until the law is altered; they are quite amenable.

2269. They have abstained from breaking the existing law, have they?—Yes.

2270. But the Board of Conservators would have looked after them if they had not, I suppose?—I think that the Board of Conservators of the Fowey and the fishermen get on very well together. Then with regard to the Camel; I have taken evidence on the Camel at a place called Wadesbridge; I saw the gentlemen connected with the river, and also fishermen, especially some old fishermen; they say that the fish do not take the river until after the netting season is closed; in fact they call the Salmon Fishery Act "An Act to prohibit the catching of fish in Cornwall."

2271. Without troubling you to go through all those rivers, may I ask whether in the case of the Clwyd, and Elwy, the Conway, the Seiont, the Dovey, the Towy, and the Taw, and Torridge, and other rivers, your experience is the same?—Yes, my experience is what I hear, and what I see, and I have no reason to disbelieve what I am told; in fact it would be impolite and not justifiable to do so.

2272. You have satisfied yourself by local inquiries and otherwise that at all events in those cases it is desirable there should be power to extend the close time?—Just so.

2273. And to have a sliding scale as you described it on the diagram?—Yes.

2274. Not to increase the length of the season, but to change the dates of its commencement and ending?—Yes, always putting a certain number of days.

2275. In your opinion is there any difficulty in allowing rivers so circumstanced to have a later close season?—That is the great difficulty of the case. Suppose a certain number of rivers to be allowed to be fished in September, they say (and it is very likely they are correct) that the poachers would catch the fish in the rivers that were then closed. Take the Severn and the Dee, they are early rivers, the Ribble people would not like it, and the Dee and Severn people would not like it. The difficulty would be to make it positively certain that the fish brought to the market came from the rivers that were open by Act of Parliament; that is a most difficult question to consider.

2276. With regard to that point, would not the provisions of the Salmon Exportation Act, 1863, meet the case where the burden of proving that any salmon entered for exportation is laid upon the person entering the fish for export; would it not do if you imposed upon the poacher the obligation of proving within what district the fish was taken?—I tested that twice last year. I saw fish exposed in the London market, in November, and I demanded privately to see whether they could give me the bill of lading of the salmon. In both instances it was produced; and therefore I think that an expansion of the provisions of that Salmon Exportation Act might possibly be adopted; but still I think there is another

another way that might answer the purpose better, that is to say, that all fish caught in any district should be, as the French call it, *applon bés*, that the basket should be sealed, or that the fish should have a leaden mark put round its gills, or some other arrangement might be made so that it should be known that those fish were *bonâ fide* from the quarter they were said to come from.

2277. The argument of those who oppose the alteration of the close time is really what you now mention, namely, the facilities that it would give to poachers?—Yes, I think if the Legislature could provide some means that the fish should be in every case certified, that all fears with regard to poaching would be done away with, and then I think the opposition would cease.

2278. But if you attached a token of some kind to the fish's gills, might not a man remove it and place it on the gills of another fish?—Not if it was properly clenched.

2279. But surely it is expressly so clenched that it may be taken off?—The French way is clenching a string round the fish with a stamp, and you cannot take it off unless you cut the string.

2280. You think that, in that way, the difficulty might be overcome?—Yes, it is possible, and in another way perhaps; the other mode is a mode which is approved of by many gentlemen in different parts of the country, namely, that the salmon caught in the extended close time in certain rivers should be sold only in the district where they are caught; for instance the fish caught in the Axe should be sold in the Axminster district.

2281. But suppose you see a lady selling salmon in a basket in Axminster, and she tells you that the fish has been killed in the Axe, how are you to know that it has not been brought from the Tweed?—That is a very difficult point.

2282. Have you considered any practical mode of overcoming that difficulty?—I have not yet hit upon a mode that I can quite approve of.

2283. Then do you consider that objection an insuperable one?—No, it is not an insuperable one, but it is a very grave one.

2284. But up to the present time you have not been able to surmount the difficulty?—I have not to my satisfaction. The *onus probandi* should be placed on the seller.

2285. With regard to the sale of fish, you think it would follow as a matter of course, that if the close time be varied, that the power of selling should follow it?—Certainly.

2286. Is it not the fact that many rivers in Ireland and Scotland are open when the English rivers are closed?—In order to make myself master of that matter, I found out what Irish rivers are open after our rivers are closed; the Lismore is open to the 15th of September; the Skibbereen is open to the 15th of September, and about five other rivers, or parts of rivers, are open to the 15th of September, and one river is open to the 28th of September.

2287. Take the case of the river Tweed, is not that river open for nets until the 14th of September?—By the Tweed Special Act of Parliament, it is open to the 15th of September; that Act says, "It shall not be lawful to take, or aid in taking salmon between the 14th September and the 15th of February;" they take off a fortnight from one end and put it on to the other.

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2288. They have a sliding-scale in fact?—Yes, just so; some of the Scotch rivers are open late also; I find that there are 15 Scotch rivers open to the 10th of September, and then there is no more. I am very particular about these matters, because I keep looking into the shops the moment August is over, to see where the fish come from. The Dutch fish come in very early, last year as early as November; and large Dutch fish continued to come in in November, December, and January; they begin to fall off about February; and at this time of year (summer) they are very rare indeed.

2289. With regard to the desirability of extending the close time or otherwise, that depends in some degree on the stock of fish in the river, does it not?—Yes.

2290. Why is that?—In cases such as the Taw and Torridge, I think it is desirable to extend the close time for that very reason, because they have now a great many more fish in the river than they had when the Act of Parliament first came into force, as they have been so very careful to protect them. My predecessor, Mr. Eden, thought the same thing, for, in the year 1864, he wrote as follows: "The cases which I have referred to, chosen from a number of others, show the necessity of granting a power to make bye-laws, so as to meet the circumstances peculiar to particular rivers or districts; and, further, that those bye-laws may be changed from time to time as the circumstances of the river vary; for instance, the close time, which may be very suitable to the exhausted condition of a river, may be unnecessarily long when the desired improvement has been brought about by an extra amount of protection." But to that I would add, that in no case would I allow fishermen to have an extended close time, unless they *bonâ fide* preserve their river in winter time, when the fish are spawning, that is a *sine quâ non*.

2291. The protection of the salmon on the spawning beds?—Yes; in all cases where the fishermen, as a body, do not obey the law of close time when it was close time, I would not give them a single day.

2292. In those rivers that you describe as late rivers, do the fish keep their condition later than they do on earlier rivers?—I think they do; last year I made casts of several fish from the Fowey in the months of October and November, and those fish appear to me to be quite as handsome as June fish in the Ribble or the Dee (*producing models*). These fish were caught in the Fowey on the 16th of October, and the great test of their condition is in my mind the state of the milt and of the eggs; that is the only true scientific test; you see the eggs are small, and the milt is small. In the case of the fish where the abdomen is distended with eggs, the fish is not fit for food; I will also show the Committee how to know whether a fish is really in condition or not in condition, by another test especially applicable by magistrates, when they have to determine whether a fish is an unclean or unseasonable fish. Around the lower portion of the intestines of the salmon are a number of finger-like projections, and when the fish are running up the river, these finger-like projections are found covered with fat; you can see this at any fishmonger's; this fat is utilized for two purposes;

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poses; the first is to act as a store-house of fat for the fish while he is residing in fresh water, when he does not eat much; the second purpose to which this fat is placed is to form the eggs in one sex and the milt in the other; the fish having gone up, after a time loses his fat; it is absorbed and gone, and when he comes down the river in the form of a kelt, instead of these finger-like projections being covered with fat, there is not a particle of fat (*producing preparations*). It is entirely absorbed from these pyloric appendages, and that is the case with all kelts, so that if a doubtful fish is brought before the magistrate in spring to know whether it is an up-fish or a down-fish, or whether it is a well-mended kelt, the state of the pyloric appendages will give the answer.

2293. If it is in that attenuated condition it is clearly an unclean fish?—Yes, certainly, with no fat in the pylorics.

2294. In the other case the fat is adhering?—Yes; and perhaps I may beg leave to say that that is a discovery of my own; I had to dissect over 200 salmon to find it out.

2295. I think that all experience confirms the opinion that you have expressed?—Yes, as yet.

2296. Do you think anglers require any extension of the annual close time, as fixed by the Act of 1861?—I think that the anglers do.

2297. Do you mean generally or in exceptional cases?—I think that anglers ought to have all privileges granted to them, because they are the persons who really act as the clucking hens for the nets below.

2298. And in addition to that, the number of fish which they destroy is comparatively insignificant, is it not?—The anglers are generally sportsmen who will act fairly towards the fish, and very often the fish are cleverer than they are, and rods do not catch anything at all, whereas in the net the fish has no option; he must be caught.

2299. The Conway and the Dovey are very important angling rivers?—Yes, they are very important angling rivers. In the Conway, people used formerly to fish in the month of November, and a considerable sum of money was spent by gentlemen who came to fish in the Conway in this month, but now they cannot fish in that river in November, and the consequence is that they are very much discouraged. They say in the Seventh Annual Report, at page 98, "When we fished in November we used to kill, if we had a favourable month, more fish than during the whole of the season put together, and many of them splendid clean fish"; and then they say, "In our opinion the month of November should be added to the open season for anglers, and the netters should have till the middle of September; during October and November no angler should be allowed to use a gaff." That is very important. Then it goes on, "all fish should be landed with a landing-net, and every female heavy in spawn, or at all out of condition, should be put in again, but all the males killed. Now, as four or five males would be taken for every female, this would in a slight degree help to equalise the sexes and would do a great deal of good, and as the angling water is all private property, might very easily be carried out." Now comes a very important thing: "unless the fishing improves, or something of the proposed kind is done to help us, even the resident anglers will cease to take an interest in the river, and the Conway will be deserted"; that the above is really the case I know.

2300. Your experience enables you to tell the Committee that you think it desirable that anglers should have the power to fish in November?—Certainly in the Conway, and also, I think, in the Dovey.

2301. And in other cases, I presume?—Yes, according to circumstances, but the above are special cases.

2302. With regard to the Dovey, you mention that in your report of the present year, do you not?—Yes, at page 89 of the report of this year, with respect to the Dovey, there are these remarks: "I have again to call the attention of the inspectors to the effects of the present period fixed for the fence time; in none of our rivers do we get any salmon, as they run up almost entirely during the fence months, and, in consequence, the subscriptions are rapidly falling off; what is required is an extra month in the autumn for rods, and if the alteration can be made for nets also, the fence months might be prolonged for six weeks in the beginning of the year with advantage; the rivers in this district have been preserved for many years, and the salmon have certainly not altered their regular season for running up, nor is there any likelihood of their ever doing so; and I trust that we may hear before the autumn that our very reasonable request has been complied with as far as regards rod fishing, at least."

2303. Similar opinions have been expressed by other fishery boards I believe?—Yes, but those are the principal ones.

2304. You think that gaffs should be prohibited during those months; would you prohibit barbed gaffs at all times?—There is a very strong feeling with some experienced anglers, especially Mr. G. Rooper, that they should be prohibited at all times.

2305. But what is your own feeling?—I think so too.

2306. I think it is found that there are more male fish than female fish, is it not?—That is a very remarkable problem in natural history; I have been for several years past making it my duty to go out netting about Christmas week, to collect salmon eggs for hatching, and I have found, that when you take a net and sweep a spawning bed, you get five or seven male fish to one female fish, if you happen to take them indiscriminately; it occurs to me, that it would be a very politic rule, (as the sportsman does with pheasants), to allow the angler to destroy the cock fish, because there are, I know, and many of the Committee know, often two or three large cock fish which keep all the others away, and which kill and destroy a great many of the other fish, and they had better be caught by the anglers than allowed to remain in the river.

2307. Do the male fish fight each other as the cock pheasants do?—Yes, I have casts to show you how they rip each other up, and what fearful wounds they inflict on each other; the Tweed is open for anglers until the 30th of November, the consequence is, that a great many anglers go up fishing in the Tweed, and catch large fish; I have brought a cast of a fish, painted to life by Mr. Rolfe, caught by Mr. Ellis with the rod, which weighed 44 lbs., and here is the photograph of another (*referring to a photograph and a cast*).

2308. It is in splendid condition, is it not?—I cannot call it in splendid condition; it is not in splendid condition, but still it would have done a great deal of harm in the river by bullying the other

other fish; I feel certain it would have died afterwards, for many of the big cocks die after spawning.

2309. You think it desirable, for other reasons, that such gentlemen should be got out of the way?—The moment the angler goes away the poacher comes, and I would much rather see a gentleman employing people to carry his basket, and so on, than that poaching should go on.

2310. In fact, you think that if gentlemen are engaged up to the end of November, poachers have very little chance after that period, and that where anglers are poachers do not come?—As a rule, anglers ought to have some *quid pro quo* for their trouble in preserving fish.

2311. On all those grounds you think it desirable that the close season for angling should be extended to the 30th of November, or at all events that there should be the power to do it in certain cases?—Yes, I think there should be the power to do it in certain cases, but certainly not in all cases.

2312. But that you would do by means of bye-laws, as in the case of nets, I suppose?—Yes, it could be done by bye-laws, as in the case of nets, if the bye-laws made by the boards of conservators were submitted to the Home Office.

2313. Now with regard to the weekly close time, at present it is from 12 at noon on Saturday, to six on Monday morning?—Yes.

2314. That is 42 hours?—Yes, 42 hours.

2315. Does that agree with the Scotch close time?—The Scotch close time is 36 hours, being from six o'clock on Saturday night, to six o'clock on Monday morning.

2316. Do you recommend any alteration to the English system of the weekly close time?—It is desired by some boards of conservators. The board of conservators of the Ribble wish that the weekly close time should commence at six o'clock on Saturday morning, and end at six p. m. on Tuesday.

2317. That is to say 60 hours?—Yes, that is too long. The Dee says, that the weekly close time should commence on Saturday morning, no hour mentioned; the Frome says that the weekly close time should be extended if anything; in the Tees they recommend that the weekly close time should embrace the whole of Saturday and Sunday, and that the annual close time should commence on the 15th of February, and end on the 15th of September.

2318. With regard to the weekly close time, do you think that also should be arranged by means of bye-laws?—I do.

2319. Now with regard to the case of the river Tees, when you paid a visit to the north, a short time ago, you saw some of the Tees net fishermen, did you not?—Yes.

2320. And they complained that the weekly close time fixed by the Act of Parliament is still further limited in their case by the ebb and flow of the tide, because they can only fish at certain times of the tide?—Yes, at present the weekly close time, so far as they are concerned, is sometimes extended by something approaching 12 hours, and it is also the same in other rivers, such as the Wye.

2321. That applies to the tidal portion of every tidal river, does it not?—Yes.

2322. Is it desirable that some power should be conferred on boards of conservators to make alterations that would meet the exceptional circumstances of tidal fishermen?—I think it is most desirable.

2323. Have the conservators of the Dee, or Mr. Mostyn Owen expressed any opinion on that point?—He is the most active salmon conservator in England I think, and he is secretary to the Board of Conservators.

2324. From my experience, I can quite confirm the remark you have made; anything from him will, in your opinion, deserve much consideration?—Yes; Mr. Owen actually resigned his appointment as secretary of the Board of Conservators, and I have a letter here which he sent to the chairman of the Dee Board: "I wish a successor appointed to my honorary office; I have no longer the intention of continuing as head water bailiff for the lower net men to carry out such unfair laws as the present salmon laws are, which give legally all the fish to one class. If the inspectors or the Government think that the fisheries can improve, or even continue under such rules they are mistaken; all preservation of the upper waters must necessarily cease, and then what fish will there be for the lower net men; why the inspectors cannot see this and advise on legislation accordingly, I cannot imagine; they have only to look at the Wye, the Severn, the Tees, the Dee, and all other rivers, and they will see that they are all dissatisfied and determined to give up preservation if they cannot have fair play. Two or three salmon only have been allowed to escape the net this season and get up the river; and salmon is now 1*s.* a pound in Chester. The nets as used now are worse than the stake nets of the old time, and so there must be without an extension of the weekly close time to at least 54 hours; it is now only 42 hours." Mr. Owen was determined to give up his appointment as honorary secretary. I entreated him that he would not give up his appointment, promising to bring his letter before the Committee, showing how strong the feeling is on the Dee in favour of an extension of the close time; I hope he will be asked to give his opinion personally upon that point.

2325. Do you think it would be desirable to have a different close time in different portions of the same river; take the Severn, for instance?—That is a point which I think is exceedingly desirable; and that object which should be kept in mind on the part of those who make the laws should be to have an amount of open water in front of the salmon as they are ascending.

2326. The object of the weekly close time is that the spawning fish may get up to the upper portions of the river, is it not?—Yes, a fish that has passed through water A may be carried through water B and get no higher, but if it was so arranged as to leave water enough open in front of the fish, it gives everybody a chance on the river, provided always that no fish was caught on Sundays.

2327. You think that a sliding scale might be adopted with advantage?—Yes, the local knowledge of the Board of Conservators would arrange that.

2328. You would enable them to make bye laws regulating the weekly close time?—I would.

2329. Now, with regard to the power conferred on water bailiffs by the existing Act of Parliament, have you given your attention to that subject?—

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ject?—Yes, I have given great attention to that subject.

2330. Have you formed any opinion with regard to the desirability of extending the powers of water bailiffs acting in discharge of their duty?—Yes, I think that the powers of water bailiffs ought most decidedly to be extended; the 31st section of the Act of 1865 says, "Where it appears to any justice of the peace on the application of any conservator or water bailiff made on oath, that such conservator or bailiff has good reason to suspect that acts in contravention of the Salmon Fishery Acts 1861 and 1865 are being, or are likely to be, done on any land situate on or near to a salmon river, the justice may, by order under his hand, authorise such conservator or bailiff, during a limited period to be specified in such order not exceeding 24 hours, to enter upon and remain on such land during any hours of the day or night for the purpose of detecting the persons guilty of the aforesaid acts," and so on.

2331. Under that Act of Parliament, a water bailiff can only enter upon lands under a justice's warrant?—That is now the case.

2332. And that merely for a period of 24 hours?—And that merely for a period of 24 hours.

2333. I see by the Bill that was introduced into Parliament during the present Session it was proposed to extend that 24 hours to one month, but is it not your opinion that something considerably beyond that is required?—My own opinion is, that water bailiffs should have the power to traverse the lands and banks of rivers at all times; I gather from gentlemen throughout the country that they would have no objection to the water bailiffs traversing their lands in that way, particularly as salmon generally breed in out of the way places where there is not much civilisation going on: as the matter now stands little farmers and persons of that kind do a monstrous amount of mischief, and sometimes actually in sight of the water bailiff, because if he dares put his foot over a hedge he is trespassing, and by the time he has run off to the magistrates to get an order, the poachers are gone.

2334. If he is forced to go to a magistrate to obtain a warrant, there might as well be no provision at all, I suppose?—Just so.

2335. In your opinion it is extremely desirable that power should be given to water bailiffs to traverse the banks of salmon rivers to prevent poaching and other illegal acts?—Yes, decidedly; it is the case in Ireland, and no difficulty has arisen there that I know of.

2336. Is it the general feeling of Boards of Conservators throughout the country that such powers should be given to water bailiffs?—If you turn to the complaints of Boards of Conservators for many years past, you will find that that was the key-note of their complaints.

2337. That subject and the subject of weirs have always been regular topics of boards of conservators throughout the country, have they not?—They have.

2338. There can be no doubt, I presume, that poaching exists to a very large extent about Christmas time near the spawning beds?—Some people say that that is the only time that the fish come to them, and that they have a right to them; and therefore they spear them, particularly the little Welsh farmers high up on the Wye and the Severn.

2339. And, in fact, little farmers high up on all the rivers throughout the kingdom: is it desirable that water bailiffs should have the power to search suspicious persons whom they find on the banks of rivers?—Yes; by the 30th section of the Act of 1861, "a conservator or water bailiff may search all boats, nets, baskets and other instruments used in fishing in salmon rivers"; but there is no power to search a person's pockets.

2340. If a man evidently had a fish in his pocket, it is illegal to attempt to take it from him, is it not?—He very often has, and defies the water bailiff.

2341. You think that power should be given to water bailiffs, to search the person of suspected people?—If it is not contrary to the law.

2342. Is it desirable, do you think, that that should be made the law of England?—I do think it is desirable.

2343. Do you think that any further power should be given with regard to boats, and persons using boats?—According to the present Act of Parliament, water bailiffs have power to search boats.

2344. That is to say, under the very clause that you have just mentioned?—Yes, but there is no power to exact a penalty for refusing to permit a vessel to be searched.

2345. Then, with regard to persons who are found poaching salmon by night, what would you recommend should be done on that point?—In a case of that kind, I think there ought to be power to arrest, *brevi manu*, as the Scotch Bill has it, because poachers go out with blackened faces, and it is impossible to summon them, because you do not know who they are; they often go in large bodies, so as to defy capture, therefore I think it would be desirable to introduce into the English Act of Parliament the provisions of the Scotch Fisheries Act, which allow poachers to be taken *brevi manu*, when they are committing certain misdeeds, and one of them is poaching by night; it is the 29th section of the Scotch Act of 1868.

2346. But the 27th section of the Scotch Act of 1862 makes provision for the case of three or more persons acting in concert, or being together who are poaching for salmon between sunset and sunrise, does it not?—Yes.

2347. Do you think that that provision should be extended to our English Acts of Parliament?—Yes, certainly.

2348. With regard to nets in estuaries, I asked you whether you thought it desirable that the county police and coastguard men should be employed for the protection of salmon fisheries in public waters; has it been suggested to you that the powers to employ the county police should be extended to that?—The Carmarthen district are exceedingly anxious that the police should be employed to look after the fisheries. They say in the report of 1867, at page 45, "The police should be the persons employed for the preservation of rivers, as they could be preserved at less expense and without interfering with the other duties of the police. A few more policemen in each county would amply do the work, while a separate staff of water bailiffs would cost much more, and the funds raised by duties, handed over to the police fund.

fund, would relieve the police rates, and give popularity to the cause of preservation."

2349. Do you find that that feeling is general or not, with regard to private waters, if I may use the expression, fishing in several fisheries as distinguished from the public right of fishing in estuaries and tidal waters generally? — The Boards of Conservators of the Tyne employ policemen.

2350. So we do on the Tees; but they are provided by the chief constable of the county, and they are in fact paid for out of the fishery funds? —Just so.

2351. But the question I now ask you is with regard to the ordinary county police, who are not paid out of fishery funds; what do you say with regard to that? — I have not considered that matter.

2352. With regard to the tidal portions of rivers and the public fisheries, you have no doubt that the employment of the county police and coast-guard men is desirable and would be advantageous?—To employ the coast-guard men on the coast and policemen on the upper waters is, in my opinion, most desirable.

2353. Excluding altogether, for the present, private rights of fishing, whether in tidal waters or not?—Yes.

2354. Then, with regard to penalties, the 57th section of the Act of 1865 I see now prescribes that, for second offences, the minimum penalty, on conviction, is not to be less than one-half the greatest penalty, and on conviction for a third or subsequent offence the greatest penalty is to be enforced; is it desirable that there should be minimum penalties in all cases, or is it sufficient to have them in cases of second offences?—I think there ought to be minimum penalties in all cases, because the fines which are sometimes imposed on the poachers are often ridiculous.

2355. That was so by the Act of 1865; but now a magistrate can only let the man off with a nominal penalty once? — But still I think, in all cases, there should be a minimum penalty.

2356. Has it come under your notice that there are, in certain places, clubs or trades unions of poachers for the payment of the fines?—I have heard that that is the fact.

2357. Would you extend to the county justices the power of inflicting hard labour in every case of poaching?—In some cases that must be left to the discretion of the justices.

2358. But then you would give them that discretion in all cases where they impose a penalty? —I would give them the discretion to lock the poacher up during the winter time, and then he could do no more harm that year.

2359. You think that the 19th section of the Act of 1861 should be altered with regard to the sale of salmon; what alteration would you propose to make in it?—To this also I will beg to call the attention of the Committee; there is a little patch in the English Salmon Fishery Act which requires mending. The fact is that, in the Towey district, in Carmarthen, a great many salmon are caught and salted; and under the present Act, it is very difficult to know when the salmon has really been caught, so the Carmarthenshire people say, at page 45 of the Report of 1867, "The drying of salmon at the end of and after the season is carried on to an alarming extent; in fact every unclean fish is dried and exposed for sale. To counteract this, we suggest that in future no dried fish shall be exposed for sale beyond one month after the close season has commenced. By this means the market for sale of unseasonable fish is at once stopped. Each vendor of dried salmon should give in a return of dried salmon at the end of the season to the chief of the police, such return to comprise weight of each fish separate and a heavy penalty should be inflicted on all parties purchasing dried salmon after the end of the first month."

2360. Do you think that eels also should be protected?—I think elvers should be protected from wanton destruction. The adult eels should be indirectly protected, inasmuch as I should make it absolutely the law, that eel stages which they let down to catch the eels should be raised during the first six months in the year, because the bars or stages on which the eels fall very often catch the ascending smolts and kelts, and as there are no eels going down in the first six months in the year, these bars ought to be removed, not so much for the eels as to protect the salmon.

2361. Mr. *Staveley Hill.*] When do the eels go down the river?—The last six months of the year.

2362. Just into the tidal waters?—Into the tidal waters there to spawn; on thunder nights in October is their time to run down, there is no difficulty in making these racks moveable; the millers will say they cannot, but Mr. Willis Bun has upon his weir at Powick an exceedingly clever contrivance; the rack is simply made to fold up like the wings of a bird, so that the passage is perfectly free, and then by undoing a fastening, the wings fall down again.

2363. *Chairman.*] You think that that form of eel-grating is a useful one?—Yes, as a plan for altering the stages, so as not to catch the smolts and kelts; it is admirable.

2364. Do you think that some additional protection ought to be extended to trout?—Many Boards of Conservators have expressed a wish that an extension of that character should be applied to trout.

2365. It is partially under the Act of 1865 extended to trout, is it not?—Yes; by the 64th section of the Act of 1865 it is extended to trout in salmon fishery districts.

2366. Do you think it desirable that that should be extended?—I do, for the following reasons; salmon poachers very often say that they are trout fishing, and you cannot prove it otherwise; secondly, I think that innkeepers, in Wales, would like the trout preserved for tourists; the salmon would be protected at the same time, if trout protection was encouraged; the upper proprietors would then protect the trout and the salmon also.

2367. Do you think that there should be any license upon trout rods as well as upon salmon rods?—I think that Boards of Conservators might well put a small license on trout rods, and I think anglers, if they caught more fish, and this would naturally proceed from preservation, would have no hesitation in paying a small sum.

2368. The Bill introduced during the present Session of Parliament, by the 19th section, imposed a penalty on persons selling trout in close time, and also on persons selling char in close time; is it your opinion that it is desirable that such provision should be inserted in any legislation on this subject?—It is, but more especially for char; for, as far as I hear, the char is very nearly

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nearly exterminated on account of the quantities of potted char that are used, and I know that the salmon conservators in the north are exceedingly anxious to have them put under the Salmon Act.

2369. But whilst they have trout in Westmoreland and Cumberland will not potted char always exist?—Yes, trout sometimes, I think, do duty for char in char pots.

2370. Now just to refer for a minute to the powers of the Special Commissioners; have you the Seventh Annual Report before you?—Yes, I have it.

2371. I see that reference is made on the 20th page of that report, to the Clitheroe case; I see that you quote there the remarks of the Conservators of the river Ribble, upon the decision in the case of Backhouse *versus* Garnett?—Yes.

2372. The Conservators say, "Prior to the passing of the Act of 1861, all such dams in the Ribble and its tributaries might have been diminished at the expense of the owner, under 1 Geo. 1, s. 2, c. 18. This statute was repealed by the Act of 1861. In this particular therefore, recent legislation has worked an injury to the fisheries of this and other districts." They then go on to recommend that the powers of the Special Commissioners should be extended to all weirs and dams. In this idea I cordially agree with them. You expressed that opinion then?—Yes.

2373. And on the next page, after enumerating the number of weirs that you consider objectionable, you conclude by saying, "Whether this be the case or not, it is another instance of the necessity of powers being given to the Special Commissioners to inquire into the legality of all weirs?"—Just so.

2374. I take it, of course, that that was your opinion also?—I understood that to imply that, when the weirs were illegal, they were to come down.

2375. Do you think it very desirable that powers should be given to the Special Commissioners, upon certain proper terms, to take down weirs?—The idea of the Conservators, so far as I know, is that if the Special Commissioners find weirs to be illegal they are to be *rasé*.

2376. Paying the owners, of course?—Yes; but I do not think that power should be given to the Special Commissioners to build ladders at the expense of the Conservators.

2377. But you are of opinion, are you not, that they should have the power to inquire into the legality of all existing dams that obstruct the passage of fish?—I thought so at that time.

2378. Referring to page 50 of that same report, I find you say, "Weirs are made generally for manufacturing, navigation, irrigation, or for milling purposes. These are all important interests in our national wealth, and must be duly considered. The Special Commissioners have powers to inquire into the legality of certain forms of weirs; powers should, in my opinion, be given to them to inquire into all weirs and obstructions, and to so deal with them that the public interest be not made subservient to private gain, and a law should be enacted that a free passage to salmon should be enforced over all weirs;" I need hardly ask whether that was your opinion when you wrote that report?—Certainly it was.

2379. Is that still your opinion?—I have learned since that there are no such things as illegal dams; that navigation dams are all legal, and that the others are legal also.

2380. But for that, should you have remained of the same opinion?—I should like to see a free passage for the fish enforced over all weirs.

2381. Do you not think that the opinion which you expressed in 1868 should be printed in letters of gold?—No.

2382. You then proceed to say, "This feeling is very strong among fishery proprietors throughout the whole kingdom; I would refer to the printed opinions given in our Appendix, from the various Boards of Conservators"?—Just so.

2383. The Committee may take it for granted, that Boards of Conservators generally throughout the country, still remain of the same opinion?—I believe that they remain under the opinion that illegal dams were to come down, and that is why they wanted the Special Commissioners to have the power to pull them down.

2384. Do you doubt that Boards of Conservators remain of the opinion that you referred to in that Report?—My opinion is, that their views would be modified after they have heard what has been stated before this Committee.

2385. What statement do you refer to?—I refer to the paper in the Appendix, where certain powers are given to the Special Commissioners; I am referring to the letter to the Home Office.

2386. The Committee must assume that Boards of Conservators do not know of that letter, as it has not been published; from your correspondence with Boards of Conservators, have you ascertained that they have in any way altered their opinion since you wrote that Report in 1868?—I have not had time to communicate with them.

2387. But so far as you have communicated, you have not heard of any change of opinion, I suppose?—No; their last opinions are recorded in our Reports of 1869.

2388. You have not heard of any change of opinion on the part of Boards of Conservators since that time?—No, but I think I shall very soon.

2389. You have stated in your evidence that you had heard of much litigation arising out of the inquiries before the Special Commissioners; to what did you refer?—I referred in general terms to the fact that nothing very important seems actually to have been done by the order of the Special Commissioners, because the Special Commissioners go to a place and order a certain thing to be done, and then a man says you shall not do it; then comes a fight directly, and it is referred from one court to another, and in the meantime the salmon remain just as they were, at the wrong side of the weir.

2390. But will they not always remain so, unless the law is altered?—If you make a pass somehow, that is all you want; I do not know much about the law.

2391. But to what did you refer when you said that a great deal of litigation had arisen out of the proceedings of the Special Commissioners?—In my last Report I said I thought a great deal would arise.

2392. In nearly 400 cases that have been disposed of by the Fishery Commissioners, are you aware of any actual litigation, except the cases that were mentioned before the Committee?—A good many of the 400 cases are putts and putchers.

2393. We have heard of 10 or a dozen cases on

on the Tees, and there were all kinds of cases, but have you heard of any other cases of litigation than the cases mentioned before the Committee?—The litigation is not yet settled in some cases.

2394. But have you heard of any cases of litigation, except those mentioned before this Committee?—No.

2395. You have mentioned that you would go to the miller and reason with him upon doing what was necessary, and that you generally found him very tractable; but if you found him a cross-grained man who was not very agreeable, what would you do with him; would you leave matters as they are, or would you improve the law, and deal with him under the powers of the law?—I do not think that there are many people of that kind among the millers: I think if it is fairly placed before them that you are not injuring their mills, you would get them to consent, and if they did not, you might take up the Salmon Fishery Act and put the Boards of Conservators to work, because the Conservators have the power, as the matter now stands, to put up a pass just wherever they like, so long as they choose to pay for it; I mean by the 23rd section of the Act of 1861: it says, "Any proprietor of a fishery, with the written consent of the Home Office, may attach to every dam existing at the time of the passing of this Act a fish pass, of such form and dimensions," and so on.

2396. Is that, in your opinion, all that is required in the way of legislation with respect to mill-dams, or is it your opinion that further legislation is required?—I should like to see some more legislation on the subject.

2397. Is it your opinion that that clause is sufficient?—No.

2398. Is it your opinion that all existing impediments to the free passage of the salmon should be inquired into, in one way or another?—My opinion is, that weirs should be made passable for the fish, but I cannot say whether that could be done by inquiry or otherwise.

2399. You would give power to Boards of Conservators to secure that desirable object, would you not?—Yes.

2400. By an amicable arrangement with the millowners wherever it is possible, of course?—Yes.

2401. And failing that, you would do it by compulsory legislation?—Yes.

2402. Embracing the buying of the weir, where that is thought to be the best course, and where the persons interested in the fishery are prepared to pay the full value?—Yes.

2403. In fact, to make full compensation for every interest that is affected?—Just so.

2404. Mr. *Knatchbull-Hugessen.*] In order to sum up your evidence about the weirs, I wish to ask you a few questions: you think that for certain reasons, which you described as moral and physical, Mr. Paterson's system would not be applicable to weirs in general; and, apart from these reasons, you stated the various circumstances with respect to particular dams which make this system specially inapplicable to those dams?—I made a small working model of Mr. Paterson's plan to work with, but I am still more convinced than ever that it is, so to speak, a French toy, which will not do for great rivers, nor will it be accepted by Boards of Conservators as a panacea.

2405. Do you know whether that system has ever been in operation as a salmon pass?—We are told that it has been in operation as a valve for waterworks in France, but I do not think it will act as a salmon pass on English rivers. That is my professional opinion.

2406. Do you think that any one system of fish pass can be generally applied to all weirs and dams?—I am quite certain that no one system of fish pass can be generally applied to all weirs and dams. I am positive of that.

2407. You do not think that there is any infallible certainty to be arrived at in the matter?—No, no more than you can treat one person who is ill in the same manner that you can treat another, or have an infallible cure for every fractured leg; you must have a distinct treatment for every malady, and for every fractured bone.

2408. Does not common sense appear to lead us to this conclusion, that the local authorities of each river should, under a proper system of supervision, make bye-laws which should deal with all these matters?—There is nobody else who can make them; if they do they will make them wrongly.

2409. The honourable Chairman asked you just now, with regard to the clause giving power to Boards of Conservators to make passes, whether it was your opinion that the clause that you had just read was sufficient, and you said no; can you suggest what improvement in that clause you would think desirable?—I think, after the words "So that no injury be done," the words of the Act of Parliament might be modified in some way; I think, if that was supplemented in some way, that clause would be sufficient to enable Boards of Conservators to build passes without being afraid of the consequences, because that is what they are afraid of now.

2410. You would propose to do that?—Yes.

2411. Would you suggest that, if injury was done, a certain compensation should be paid?—Some professional engineer, or board, should be appointed to say *primâ facie* whether they think that a certain work would injure the dam or not.

2412. Do you think that that person should be a local person?—Certainly he should be a local person, because he would have knowledge of the floods, and a stranger would not know *primâ facie* how strong floods would be.

2413. But would you have the person to judge what amount of injury was likely to be done, or what amount of injury had been done?—I would have him judge what amount of injury was likely to be done.

2414. His judgment being sufficient and an entire protection for the Boards of Conservators?—He should be an arbitrator between the Conservators and the miller.

2415. But would you allow his judgment to protect Boards of Conservators in the possible event of his judgment being mistaken?—I think so.

2416. You would only be shifting the responsibility from the Boards of Conservators to a third party?—Yes.

2417. Would that, in your opinion, be satisfactory?—No, it would not be so satisfactory as it might be.

2418. With regard to the Bill with respect to salmon fisheries introduced this year, do you

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concur in the opinion that it was worth nothing?—No, I think it was worth a good deal, and I think we shall lose time by not having carried it out, especially with regard to bye-laws, because bye-laws seem to be very much wanted; the whole country want them, and those interested in the Tyne especially will suffer from their want of bye-laws.

2419. Was it not your opinion, and did I not concur with you in that opinion, that if we could get the Bill through Parliament this year, which gave power to make bye-laws, we should be making a great step in advance, and probably clear the way for future legislation if it was thought necessary?—You did so, and I quite agreed in the suggestions that were made.

2420. With regard to the clause providing that no net should be used within 100 yards above or below a mill dam, was not that clause carefully drawn, and was it not intelligible to you and those to whom it was submitted?—Quite intelligible to me and to those to whom I showed the Bill.

2421. Would not that have been a very important provision in the interest of salmon preservation?—Yes.

2422. May I say that though this Bill did not go as far as you would have wished it, you believe that it was all in the direction of useful legislation?—I am quite sure it was in the direction of useful legisiation, and I think if it had been now the law it would have increased the value of the salmon fisheries in England very much.

2423. With regard to the powers of the Special Commissioners the only objection I understand you to have to their continuance or extension is, that you think the question to be considered with regard to the preservation of salmon, is not so much the legality of this or that weir, as the best means of getting the salmon over the weir, whether it is legal or not?—That is exactly what I should like to see carried out.

2424. For the first time the courts of law appear to have established that all or nearly all those weirs are legal; to try their legality is a question of very little importance from your point of view, compared with the means of establishing some system which will get the salmon safely over the weirs?—Getting the salmon safely over the weirs is more important than the law question as it now stands, the opinion of the judges having been given.

2425. I ask you these questions not in any respect as wishing you to give a legal opinion, but as wishing you to state whether, in your point of view, as a man very much skilled in the best means of preserving the salmon, we ought to direct special attention to the practical point?—My answer would be, that more attention ought to be paid to mechanical contrivances than to law disputations.

2426. If I rightly understand your evidence, you raise no objection to the decisions of the Special Commissioners, so far as they have gone?—Certainly not.

2427. You have never had any other desire than the desire to co-operate with them in the amendment of the law?—Just so; but I do not think that that desire was much reciprocated.

2428. Have not a great number of cases which they have tried been cases in which one decision would govern a great many others?—Yes.

2429. Comparatively simple cases?—Yes.

2430. And with regard to cases of a complicated nature, it is no reflection on them that there are certain questions of a difficult character on which appeals have been made, which must be determined by the decision of the superior courts?—Just so.

2431. Colonel *Edwardes.*] I think, in your evidence the other day, you stated you were appointed two and a half years ago?—Yes; it will be three years next February since I was appointed.

2432. When you were appointed were the Commissioners appointed?—They were appointed by the Act of 1865.

2433. You were appointed by the Home Office, were you not?—Yes.

2434. Who prescribed the duties which you were to undertake?—Mr. Ffennell told me my duties.

2435. May I ask you whether you consider yourself appointed as a permanent officer?—We are renewable every year under the Continuance Act.

2436. One of the principal parts of your duty is making out the annual reports, is it not?—Yes; and inspecting the different fisheries all over the country.

2437. The results of all your experience being given to the Home Office in the annual reports?—Yes.

2438. Of course you obtain a great deal of information from country boards with regard to their fisheries, which information is contained in your report?—Yes; besides that, there is correspondence going on perpetually with regard to the points raised at meetings as to the regulation of weirs, and matters of that kind.

2439. In your Report, do you give to the Home Office in any way any advice on legal or engineering points with respect to weirs?—In my last Report I gave a good deal of advice, so to speak, with regard to engineering works, showing how weirs may be surmounted by simple inexpensive means. I also gave an analysis of the recommendations of the different Boards of Conservators, all classified under the different sections of the Acts of 1861 and 1865, so that it can be seen at a glance what the general feeling of the country is with respect to future legislation.

2440. During the course of your inspection, you have no power to issue any orders to be carried out by Boards of Conservators, I believe?—No.

2441. You can make a recommendation, but you have no power to see it carried out?—No, except in cases of new weirs and fishing mill dams, and cases of gratings to canals, and works from which towns are supplied with water.

2442. But with regard to many of those weirs, though in your opinion most of them are legal, still there are a few that doubtless have no just title, and yet you have no power to order any to be taken away?—No, but the Boards of Conservators may deal with them.

2443. *Chairman.*] So that no injury be done to the milling power?—Yes, of course.

2444. Colonel *Edwards.*] Now, with regard to the fish passes, I understood you to say that you did not approve of Mr. Paterson's plan, because you thought it is a system that could hardly be made applicable to any weir of any kind?—Yes.

2445. One of the honourable Members the other

other day asked you about Mr. Paterson's system; you do not throw it out as a principle that there is any one system that is applicable or inapplicable to all weirs; and your answer is, "No;" and I think you now state that Mr. Paterson's system is inapplicable to all weirs?—What I meant was, that there was no one system that was applicable to all weirs, and I also intended to imply that Mr. Paterson's system was not applicable to all weirs.

2446. But it might do for some, I suppose?—Just so; but very few.

2447. Among those plans which you have suggested, do you think there is any one of those fish ladders that is applicable to every weir?—Certainly not; that is why I showed the models.

2448. You think there must be a different plan for different places?—Just so.

2449. You consider that your different plans can be erected without any damage to the miller of any kind?—I have invented them, or tried to invent them, in order to avoid damage to the miller, so that the miller may have his water, and we may have our fish.

2450. Do you think that they will not fail in any case?—I cannot say as much as that.

2451. Because sometimes you would have to go as far as to blow down the weir, would you not?—I have never gone so far as to blow down a weir, although I should be glad to buy up a weir.

2452. But the miller would not exactly like that remedy perhaps?—There are, I think, a great many little millers who would be very glad to sell their mills and weirs.

2453. You do not consider that the milling interest is an insuperable obstruction in the way of those fish passes?—I should be sorry to interfere with the dams where it would be likely to injure the manufacturing power to a great extent.

2454. But when you do an injury of that kind, there is an Act of Parliament which provides for that; take the case of railways, where they are obliged to injure, to a certain extent, a certain amount of property, the public interest overrides the individual interest?—Yes.

2455. But if you consider that the value of salmon fisheries is of more value than the mill-power, should it not be considered before the milling interest?—Yes, if that be shown.

2456. For instance, in your Seventh Annual Report, at page 8, referring to the river Coquet, and speaking about this mill, you say, "The mill is worth, I believe, about 250 *l.* a year, and should the Coquet ever become a salmon river, I think the produce of the salmon would be worth more than the produce of the mill power"?—Yes.

2457. Do you not think that, if the salmon get a free pass up any of our large rivers, the value to the different owners, and to the country at large, from the diminished price of the fish in the market, would be a much greater advantage than those small mills, and perhaps some bigger ones?—Yes; I think so, certainly; I have put that question to many lawyers, friends of mine, and they say yes, you are quite right; but if the public want salmon, you must pay the people whom you turn out; that is to say, the owners of weirs, in the case of the weirs; in the case of railways, when the public buys ground, the public has often to pay very exorbitantly for what they want; if the public should come with money in hand to buy up the weirs, I think it would be a very good thing, but compensation must be given in all cases.

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2458. But I do not suppose that the amount of compensation would be very large for making those fishways; we will even assume that Mr. Paterson's plan was adopted; I do not suppose any compensation would be required then, would there?—Yes, there would be compensation required.

2459. You do not consider that that plan could be adopted without serious damage to the milling interest?—I do not think any Board of Conservators would be inclined to adopt it.

2460. But that is no proof of injury, is it?—Suppose the weir came down?

2461. But that is all supposition?—Yes; but no Board of Conservators would render themselves liable to the extent of 6,000 *l.* or 8,000 *l.* in case the weir came down. They are afraid now of running the risk; how much more, then, would they be afraid when you cut a hole in the weir?

2462. But so far as the actual expense would go, I will assume that there is no danger of the weir coming down; Mr. Paterson's scheme would be a cheaper one, as far as the outlay goes, than those plans which you showed to the Committee, would it not?—I think not, in the end.

2463. The actual outlay would be cheaper, would it not?—It may, or may not; I cannot say.

2464. You said your idea was that one of your plans would cost about 30 *l.*?—Yes, Mr. Mostyn Owen's; I do not know what Mr. Paterson's plan is to cost.

2465. With regard to the fish jumping, so far as one can understand in all those models that you showed to the Committee, the fish have to go up the ladders jumping up a series of stairs?—Jumping up a series of pools.

2466. But they have some obstruction to surmount, and they have to jump it?—Yes.

2467. Would not their jumping power be limited by jumping out of such a very small pool?—No; they have such a very slight height to get over, that you can calculate it in inches in most cases. In large weirs it would perhaps be two feet, and then they have three feet to jump from in most cases. And besides that, in all cases you must be very careful to slant your obstruction, and not put it upright.

2468. There would be no danger of the water in freshes coming down with such weight and velocity as to wash the fish out of those pools?—The flood guard provides for that.

2469. But you must have flood guards?—Yes, in this small pool system but not in the large pool system.

2470. You can do without it there?—Yes.

2471. Now in a small weir, about three feet, is it absolutely necessary to have a pass there of any kind?—It depends very much on the state of the river; I should say, no.

2472. Any fish of moderate size would be able to get over that?—Yes.

2473. Now with regard to that weir at Haverfordwest, which you mention in your report as almost impassable, would it be easy to make a pass there without any injury to the owner of the mill?—I think since my visit down there, they have utilised a trap which they call a "slaughter" on the left side of the weir; that is what I advised; I am very nearly certain that that is made into an available pass for the fish.

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2474. Mr. *Staveley Hill.*] What is the extreme height that you say you might have a weir up which the fish would go without any pass or ladder of any kind?—It depends very much upon the form of the weir. It depends upon the quantity of water coming down and upon the strength of the fish; the spring fish will go over obstructions which the fish at the back end of the year could not face.

2475. The worse thing of all is to have anything perpendicular, is it not, when it is a barrel weir with a lip to it?—A weir, say seven feet high, running across the river is very awkward, because the fish often have no pool to jump from; you may have a sloping weir and the fish would go up if it be at an angle of 1 in 7. It would be awkward to have a steep weir, say 22 feet long. The velocity of the water would be so tremendous towards the bottom that it would drive the fish back until the floods came, and then the fish might shoot up; it all depends on the formation of the weir and the depth of the water, but the maxim to take is this; according to the depth of the pool below so is the power of the fish to ascend the height above. The fish goes up like an arrow from a bow, or like a horse galloping at a fence; it can go higher from a pool than if it had no start to take its spring from.

2476. Mr. *Lowther.*] I asked you a question about the price of one of those fish passes, and you stated that you would kindly inquire into the matter; have you done so?—I wrote to Mr. Mostyn Owen, and he has sent me back certain particulars. In his letter he states, "I did not answer your first question with regard to the cost of the Pentrefellyn fish pass, because I could not refer to the matter, being at Dublin; but the cost was somewhere about 30*l.*, and I think it might be made for less." He says that it has been paid for by subscriptions among the upper proprietors and the rod fishermen (and I may state that that is not the only case in which fish passes have been paid for by subscription). The mill is a slate-cutting mill, belonging to Messrs. Taylor & Company.

2477. You have stated that it would be desirable to have the power of compulsory purchase?—Yes.

2478. Has that been often recommended by Boards of Conservators?—I think it is recommended by some Boards of Conservators.

2479. By the Conservators of the Tees, for instance?—Yes.

2480. But do you know of any other Board of Conservators by whom it is recommended?—I do not think that they have had their attention sufficiently called to it.

2481. And therefore they have not recommended it as yet?—They have not recommended it as yet.

2482. In page 28 of your Report of 1869, with regard to the Dinsdale case, you say, "Another plan proposed by Mr. John Lloyd, and also much approved by Mr. Surtees himself, is to place a secondary weir below the original weir; but this, I feel convinced, would be a very expensive piece of work, though its efficacy would be undoubted:" do you know what that would cost?—Mr. Surtees told me the other day that it would cost 300*l.*

2483. Do you believe what he said?—I should say that it would cost more, but of course he ought to know.

2484. You do not know that the engineer, Mr. Cail, said that it would cost more than 300*l.*?—No.

2485. Do you know what the bed of the river is?—It is rock, I believe.

2486. Would that increase or decrease the expense?—It would increase the expense, because you could not fasten it on, the Tees comes down at a fearful pace.

2487. What do you think might be the cost of purchasing a mill or dam of that kind?—I cannot say; I expect that Mr. Surtees would want a lot of money for his.

2488. Do you think that 1,000*l.* would buy it?—No.

2489. On the whole, you think it would be better to follow Mr. Lloyd's plan than to attempt to buy the mill?—I and my colleague think that we could get the fish through by the lock that is already made.

2490. You mean by making a second dam, I suppose?—No, by another plan.

2491. What would that plan cost?—If carried out in my way it would cost 50*l.*; but if anybody else took it, perhaps it would cost 200*l.* I should propose to utilise the present gap through which the fish cannot pass, and to make a pool for them to get into, so as to give them a start (*producing a model, and explaining it to the Committee*). I would put up a flood guard, and divide the present lock into three, and make a pool at the bottom by means of stones and balks of wood wedged down. I think that the opening through which the water comes is 8 or 10 feet across. Those boxes would be from 8 to 10 feet across; and then you would simply have to put in partitions across from side to side, to break the force of water.

2492. Mr. *Stavely Hill.*] What is the length of the partition going down the river?—Twenty or thirty feet, about; it would be divided into three partitions.

2493. The boxes would be from 8 to 10 feet?—Yes, about that; the bigger the better.

2494. Mr. *Lowther.*] Would Mr. Surtees object to its being altered, do you think?—No, he would be delighted; because he has asked us to go down and see it.

2495. Have you had any correspondence on the subject?—Yes; but we did not like to go down, because it is now in the hands of the Special Commissioners; it is a delicate thing to interfere with a matter that is *coram judice.*

2496. Do you believe it possible to facilitate the increase or improvement of salmon without interfering to any great extent with the rights of mill owners?—That is my belief.

2497. You stated in your report that your experience of manufacturers and mill owners in England and Wales is, that as a body, they are by no means opposed to the cultivation of salmon?—I am still of that opinion more than ever.

2498. Unless they think that their interests ought to take precedence of the fish?—Yes, they will give us water so long as it does not interfere with their mills. To buy their mills would be a very expensive work.

2499. Do you attach great importance to gratings at the head or tail mill-races?—I think indeed it should be the law that gratings should be at the head-race when the smolts and kelts are coming down, and at the tail-race it should be put in at the last six months of the year.

2500. You are of opinion that there should be a fixed time for putting them down and for taking them up?—Just so.

2501. Would

2501. Would there be any harm in keeping them down permanently?—I would keep them down permanently at the openings of all channels which supply towns and canals, because the smolts very often get into canals; there are various cases of that kind; the salmon smolts can pass from the Dee into the Severn through a series of canals which I could hardly credit until Mr. Owen showed it me on the map. I would have them down day and night all the year round, in the above cases; but in cases of ordinary mills you do not want them down always, at this time of the year, for instance.

2502. Should there be a limit to the distance in netting with respect to dams, do you think?—Most Boards of Conservators think that the 100 yards should be applied equally to the top, as to the foot of the dam.

2503. What do you think yourself?—I think the same.

2504. Do you know the practice of fishing by rod and line by tying three or more large hooks to a line and throwing it across, and then snatching or dragging it in?—Yes. I have seen it in Ireland.

2505. You do not know much of it in England?—I had better not say much about it, it would soon get round if I did.

2506. There are no means of preventing it, are there?—No; because a person may unwrap the lead from his fly before the water bailiff could come up to see.

2507. *Chairman.*] There would be no difficulty in convicting a man who did that, under the Act of Parliament, would there?—You can convict him if you catch him.

2508. Mr. *Lowther.*] With respect to the extension of the close time, is it to be granted on application to a magistrate?—It used to be, but now it is to be done under the Home Office.

2509. But the magistrates must make a statement to the Home Office, must they not?—The Conservators, not the magistrates; the Act of 1865 transferred the power from the magistrates to the Boards of Conservators.

2510. Though there may be an extension of the close time there is no law which allows the selling of the fish; you may catch the fish, but you may not sell them?—Yes; that is a deficiency in the Act of Parliament.

2511. That requires altering, you think?—Certainly.

2512. Is it your experience, generally, that there has been a considerable change in rivers from drainage; I mean by the water running quickly off the land into rivers, making the rivers rise rapidly and fall rapidly?—I am told that since the country has been so thoroughly drained the floods run off very much quicker.

2513. You do not know from experience that a river which would be full for three weeks now goes down very suddenly and rises very suddenly?—No, I do not know it from experience; but I am told that that is the case.

2514. The consequence is, that the fish do not come until the autumn floods, is it not?—It may or may not be so, but I think it is rather a case of *non sequitur*, but it may be so.

2515. Colonel *Amcotts.*] Suppose a mill owner to object to any proposed ladder, might not there be an appeal to a jury?—I think it would be a very good plan to have an appeal to a jury.

2516. If so, of whom should the jury consist, do you think?—They ought to consist of a certain number of people who understand mill matters, and a certain number of people who understand salmon matters, and possibly others who simply come as citizens.

2517. Do you think that a jury of three engineers would be sufficient?—I should say so.

2518. A majority of whom would decide the question?—I should think so, certainly.

2519. Have you considered in that the riparian proprietors and occupiers; might not the upper lands be flooded by holding up the water in certain cases?—In certain cases they are flooded now by the actual presence of the weirs, and where I propose to put boards on weirs, as at Clitheroe, I would take good care that provision was made that at flood time they should fall down.

2520. You think there is not much fear of the riparian proprietors and occupiers being hurt by those contrivances?—I think not.

2521. Are England and Wales divided into salmon fishery districts now?—There are 34 salmon fishery districts in England and Wales at this moment, and we have just added another, making 35.

2522. Regularly defined districts?—Regularly defined districts.

2523. With regard to rod fishing; rods, I believe, are principally used for pleasure?—They are never much used for profit.

2524. In speaking of rod and line fishing, I wish to ask you why should not a local license be taken out for a particular district, to be specified in the license of any distributor of stamps, and the money paid over by the different Conservators into the fishery funds; and why should not the cost of a shooting and fishing license be the same?—Because a license taken out for a rod is applied to the preservation of the fish in the district where the license is taken, and you can always get a license by applying to some public person in the district, generally a fishing-tackle maker, or the principal hotel keeper; it is not necessary to go to the collector of stamps to get a license.

2525. Would it not facilitate the matter, supposing the distributor of stamps issued these fishing licenses, just as he issues shooting licenses?—No, it works so well and so easily at present, that I would not interfere with it

2526. *Chairman.*] Do you not know as a matter of practice now in our district, that the distributors of stamps have placed in their possession books with so many signed licenses in them?—My experience is that you can obtain a license by asking for it; there is sure to be somebody in the town who can give it.

2527. Colonel *Amcotts.*] At present the Boards of Conservators issue the licenses, do they not?—Yes, like cheques in a cheque book which they give out to different places.

2528. Mr. *Whitwell.*] Do you know of many instances where natural obstacles obstruct the passage of the fish?—At Kenarth on the Teivy, High Force on the Tees, and on the top of the Ribble at Stainfortt there is one also.

2529. To pass those you would require compulsory powers or powers by agreement?—It is no use taking the fish over High Force.

2530. But I speak of many cases and not of one particular case?—At Kenarth it would be advisable to pass the fish over if possible; but I think that is already pretty well provided for.

2531. Although you would require compulsory

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powers for that purpose, do you think that an agreement could be generally made with mill owners to put a fish pass on the weir?—I think that nearly always arrangements may be made with the mill owners.

2532. You would have Boards of Conservators to meet mill owners on friendly and not on hostile terms?—That is certainly my opinion, because, if a fish pass is put up against the wish of the mill owner, he will certainly put it out of order some how.

2533. You have spoken of buying mills for that purpose; in that case you would have to borrow money, would you not?—The difficulty is always, where is the money to come from.

2534. If Boards of Conservators had the power to make a loan for the payment of the purchase-money to the miller, would it not be an indefinite burden upon their income?—I wish to impress upon the Committee the great poverty of Boards of Conservators, as a rule, throughout the country; they have now the power to borrow money; but I do not think that anyone would lend to them.

2535. Practically you think that the power of Boards of Conservators to raise loans is almost a dead letter?—I do.

2536. But without that power you could not go and pay 2,000 *l.* or 3,000 *l.* for a mill?—My opinion is that the borrowing power of Boards of Conservators, as applied to all large loans, is a dead letter.

2537. With regard to the passage of fish up rivers, does the temperature of one year make any difference in the passage of the fish?—I am now making some investigations upon that point; but I think there are so many circumstances that affect the running of the fish that it is impossible at present to give any reason except this, that it is a natural instinct on the part of the fish to come to its own peculiar river at the time when nature ordains that it should come.

2538. Have you any record of the dates of salmon arriving in salmon rivers?—Yes; I have a table here. In the Eighth Annual Report you will find an answer of mine applicable to that point.

2539. As that is a table which might be useful at some future time, will you kindly put it in?—I will catalogue it out, and put all the rivers in in their months.

2540. Now with regard to the nets employed at the mouth of the Tyne; now I think I understood you to say that they were several miles in length?—I said several miles in length had been taken by Mr. Dunbar; I believe that some Tyne nets are of very great length; I have not seen them at work; there is one in my museum.

2541. What is the disadvantage of fishing with a long net in the open sea over fishing by a series of shorter nets?—Inasmuch as these long nets float up and down with the tide, they catch all the salmon that happen to be within the compass of their extent; and therefore a man pays only 5 *l.* for this chance of a large take.

2542. That has merely reference to the toll that the man pays?—Yes, and the destruction caused by him.

2543. What is the size of the mesh used for salmon in the estuary of the Tyne?—These "hang nets" are three inches from knot to knot.

2544. Now with regard to the double net, are you aware that that net is used in some of the estuaries for stake nets for catching flat fish?—I do not know whether they use trammel nets for flat fishing or not; but I think they do.

2545. With regard to the employment of police in private waters, is there any precedent for the police acting as watchers in private waters?—I think not in private waters; it is entirely in public waters.

2546. Are you conversant with the legislation that has taken place recently in France on the subject of salmon fisheries?—Yes.

2547. It seems in the introductory part of that French Act, that at one time they had different close times in different parts of the kingdom?—Yes.

2548. And they have now established one uniform close time for the whole kingdom, have they not?—From reading Article the 1st, I find it is from the 20th of October to the 20th of January for salmon and trout, and from April the 15th to June the 15th for all other fish; it appears to be a uniform close time.

2549. Instead of having a short close time like that, you propose to have a shifting close time of 154 days?—Yes.

2550. In France they seem to have 103 days?—Yes.

2551. Will you be kind enough to inform the Committee whether in Article 3 of the French Act of Parliament, they make it necessary to give public notice of the commencement of close time?—"During the week preceding each period of close time, and at the end of it, notices shall be given in the *Commune*."

2552. In Article 4 there is a provision that no person shall sell any fish, whatever its origin, during the close time, without accounting for its origin?—That is so.

2553. In Article 6 there is no fishing allowed except between sunrise and sunset?—That is so.

2554. What is the smallest sized salmon allowed to be taken out of the water by Article 8?—Twenty-five centimetres, 10 inches.

2555. What is the mesh of the salmon net?—The meshes of the salmon nets measure on each side, after they have been in the water, shall be 40 millimetres.

2556. That is an inch and a half?—Yes.

2557. Article 10, it prescribes that nets are always to be allowed to be used in rivers over two-thirds of the width of the river?—Yes.

2558. And several nets are not to be employed at the same time; and there is a distance prescribed from the opposite bank, is there not?—At least three times their extreme length.

2559. Does that meet your views in the evidence which you have given this afternoon?—It must be left to Boards of Conservators to fix the exact distance, according to the locality.

2560. I think in France they prohibit the use of all drift nets, do they not?—Yes, they prohibit the use of all drift nets, except small casting nets used by hand, and worked by one man.

2561. You think, notwithstanding the reference of France, that one period of close time is not desirable for the whole kingdom?—They have got so very few salmon in France that it does not matter much.

2562. But they expect to have more, do they not?—They have very few now.

2563. Are you aware that they are erecting salmon preserves in various rivers?—I am in frequent correspondence with the French inspectors and authorities in that matter, and I hope

hope that they will succeed, but the salmon are not very plentiful as yet in France.

2564. But they used to be, did they not?—I do not know.

2565. Earl *Percy.*] You say that the town sewage drives the fish back, because the salmon has a most sensitive power of smell; that being so, how do you account for the salmon coming up the Tyne?—I think they generally wait until the fresh water dilutes somewhat the water which actually contains the dirt of Newcastle.

2566. In fact, the salmon came up principally at night?—They came up principally at night when the freshes are coming down; I do not think they go up in very low summer water.

2567. Would not the tide keep the sewage back?—The tide would dilute the sewage so much that I think that is very likely the reason.

2568. I think you have stated that you are, on the whole, averse to artificial breeding; what was the reason of that?—I did not express myself clearly on this point; I meant that I consider to stock a river the natural process is more likely to produce good results than an artificial process; that is to say, I would rather let the fish over 20 miles of spawning beds than put down 20 boxes of eggs; but for many things, such as re-stocking the Coquet and the Norway rivers, I consider artificial breeding is one of the greatest discoveries of the day; we have already sent out trout to Tasmania, and we trust to do the same with salmon for New Zealand. This could never have been done by anything but artificial breeding; but it is better to open up the spawning beds of rivers than to put eggs in boxes.

2569. You know the state of the Coquet, I suppose?—Yes.

2570. You know that there is a dam at Warkworth?—Yes, one of the most formidable dams for salmon.

2571. And there is another dam at Acklington, is there not?—There is another dam at Acklington.

2572. Do you know as a fact that there are no salmon now in the river, or next to none?—I learnt from Mr. Dunbar that where they were fishing for bull trout they caught only but very few salmon during the whole of last winter, and probably they were Tyne fish that had strayed.

2573. You know that the Coquet used to be a very good river for salmon, do you not?—It is recorded that it used formerly to produce a very large number of salmon.

2574. Can you account for that falling off?—They say that the bull trout has eradicated the salmon; in fact, it is what Mr. Darwin calls "a struggle for existence," and in that struggle for existence the salmon has given way to the coarser kind of fish.

2575. Is there not a danger of that occuring in every river?—I think it is occurring in a great many rivers, and people do not know it; I think that the bull trout, and some of the sewen are increasing more than they ought; that is one reason why I take the liberty of recommending a smaller net at certain times of the year; the coarse fish are more in number, and should be also kept down.

2576. You think the fact that bull trout are very great enemies of the salmon in rivers is a reason that the Legislature should take account of them?—Certainly; I think that the experiment that is now being tried in the north is one of the greatest interest and importance.

2577. You stated that one reason why salmon did not take some passes was, that they had a great fear of traps, did you not?—Yes; they are naturally a very cunning, sagacious thing, and, as a rule, they like to take passes which look very natural.

2578. If that is the case, how is it that so many thousands of salmon are continually caught in traps?—The traps are so artificially contrived that they do not look like traps; that is what I meant to do with my ladders; I should like also to convert many of these traps all over the country into salmon passes, because if a salmon will go into a trap to be killed by a poacher surely he would go into the same kind of trap to be let loose again by the conservators; there is one at Tadcaster, which could easily be altered in that way, and there are many others; I think the bye wash by Warkworth dam was once a trap, and it has been utilised to pass the fish up; it is on the right-hand side of Warkworth.

2579. Mr. *Assheton.*] You say that the Committee must treat each weir according to local circumstances?—Yes.

2580. To do that we must have some data with regard to the power of the salmon for getting over the obstructions?—Yes.

2581. Now what is about the size of the salmon the first time he comes from the sea?—It may be from 10 to 18 inches long, and weighing from three to eight pounds.

2582. If that fish is in average condition, what perpendicular height will he jump comfortably?—Three feet will not stop him, with what we call travelling water, that is to say water, neither too strong nor too weak.

2583. Suppose he has not good travelling water, but merely enough to fill the successive pools, what is the greatest height then that the salmon can jump comfortably?—Two or three feet; but a foot or 18 inches is what I like generally, and always slanting.

2584. Then to fully develope the salmon's jumping power, what depth of water must he have to start from?—The deeper the better, to start him into the lowest box he has his own pool, the velocity that takes him into the first box will generally take him into the second box, and then he has enough water to take him into the third box; the general rule that I have tried to lay down at weirs is, gradually to get the pools deeper as you go up.

2585. But what should be the least depth of the first pool?—Two feet and a-half; but you must regulate it according to circumstances; two feet I should like.

2586. This fish will, of course, come up from the sea heavier next year if he lives so long?—Yes, or the year after.

2587. And so on as long as he lives?—Yes.

2588. At what period of his life is he most active for overcoming obstacles?—A fresh run fish, coming up in the spring, is stronger than an autumn fish.

2589. Age has nothing to do with it?—Nothing.

2590. The salmon is as strong as a grilse, as he is the year after, you think?—Yes, I think so; but in the back end of the year the males are more powerful than the females, and they can get over obstructions more easily, because they have less weight to carry.

2591. Now about some other kind of fish; in the Salmon Act, there is what we call sea trout

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in our county; what size is he when he comes up from the sea?—I am not acquainted with the grilse of the sea trout, but I believe they differ according to different rivers; what are called the "lammas men" that come up some of the Scotch rivers, I believe to be the grilse of the sea trout.

2592. Your friends that you called broilers are fish of that description, are they not?—Very likely they are the grilse of sea trout.

2593. What is the greatest height that you ought to set him to jump, if he is a fair average fish?—I have seen a bull trout at Acklington jump six or eight feet out of the water; it is a deep pool, but I would give the fish as little height to jump as possible; say two feet, or 18 inches.

2594. Do you think a ladder that was sufficiently good for a salmon proper would be sufficiently good for all of the salmon kind?—The little ones will wait their time; when a fresh first comes down, the strongest fish take it; and as the fresh falls back, the little fish take it; they wait until their time comes.

2595. We have two distinct classes of fish to deal with; that is to say the large salmon, the salmon proper, and we have also other sea-going fish to deal with; but what I want to arrive at is, whether a pass which is sufficiently good for a salmon proper is sufficiently good for other sea-going fish?—Certainly.

2596. You showed the Committee two or three plans for getting the fish passed over natural obstacles, as well as artificial obstacles; when the fish come down again they will not go down along your ladder, but they will go straight over the weir, will they not?—Yes; they will go straight over the weir, tail foremost.

2597. That is established lately, is it not?—Yes; a salmon never runs the risk of hitting his head in going over a weir.

2598. Do you think, when you have assisted a fish over an eight-feet weir going up, that there is any appreciable risk of his breaking his neck going down?—No, indeed there is not, except in very big weirs like the bottom weir of the Ouse. There, as the lock-keeper says, he has seen kelts ponded on the edge of the weir afraid to go over, because the precipice on the other side deters them, and they wait until a safe time arrives for them to get over.

2599. You think that we may practically discard that difficulty?—Yes, because they generally come down in floods.

2600. Just one question about Mr. Paterson's proposed plan, because I want to understand what you object to, and what you do not object to; you say that you object to Mr. Paterson's proposed plan, because you think generally it is, so to speak, too gimcrack; that it will not work?—Yes.

2601. But do you believe that Mr. Paterson's calculations, with regard to the proposed bar on the top of the weir, compensating for the loss of water by the notch in the weir, are incorrect?—The calculations are sure to be right, but you may calculate a great many things which in practice turn out wrong. The calculations I believe to be correct, but when you apply them in practice the water will upset your calculations; in other words, something will happen that you did not expect.

2602. What is the smallest fish in good season that a two-inch mesh will catch?—I have tried in Mr. Quelch's shop, about two lbs.

2603. What is the smallest fish that a three-inch mesh will catch?—About five pounds, I should say.

2604. Would not a three-inch mesh almost invariably let grilse through?—I think it would, the small grilse; but at the back end of the year, the grilse get larger in size.

2605. Have you at all considered the suggestion made by some Boards of Conservators, to have no mesh of a smaller size than three inches used after a certain portion of the fishing season is gone?—I have; that is a doctrine which I believe is held by Mr. Garnett and some of the gentlemen on the Ribble; I think they are likely to know the circumstances of their own river, and I would rather take their opinion than give my own.

2606. That is one point among others, you think, which might be dealt with by bye-laws?—The use of the bye-laws would be, to apply local knowledge to each particular case.

2607. I wish to call your attention to the answer which you gave the Chairman just now upon the suggestion made by the Ribble Conservancy Board, that the words "in such manner as practically to diminish the mesh in the net used," should be omitted from the 10th section of the Act of 1861; are you aware that the object of the Ribble Board was, to make it perfectly plain that no armour net whatever should be used?—I know that they dislike the armour net very much; and I quite agree with them that it is a destructive instrument in the Ribble.

2608. I rather gathered from your answer that you did not credit the Ribble Board with the horror which they have of the armour net?—I think they are quite right in wanting to get rid of the armour net.

2609. There was a curious case of prosecution by that board of a single armour net; some persons had been fishing with a two-inch mesh net, with armour on one side, and had drawn the armour side first; the Ribble Board prosecuted on the ground that there were two nets side by side; the defendant contended that that did not practically diminish the mesh of the net used, and the magistrates dismissed the case; are you aware that it was after that decision that the Ribble Board suggested those words should be left out?—They were quite right in making the suggestion.

2610. The defendant said that the armour was necessary to help the net over large stones, and other obstructions, and not to bag the fish?—I dare say.

2611. I think you have stated with regard to a graduated scale of licenses for rods, you had not thought much about it?—No, I think the present system works very well; that is to say, boards of conservators may charge a guinea or half-a-crown for a rod license, and so it is a graduated scale.

2612. *Chairman.*] But they must charge the same every where, must they not?—No; boards of conservators may fix 20 *s.*, 10 *s.*, or 5 *s.*, for rod licenses.

2613. But they cannot charge 2 *s.* 6 *d.* in one place and 10 *s.* in another?—No.

2614. Therefore it is not graduated?—Not legally.

2615. Mr. *Assheton.*] You have spoken about various rivers as late rivers and early rivers, do you believe in the possibility of turning a river from a late river to an early river; by

by better management?—I have inquired very deeply into that subject; my late colleague and friend Mr. Ffennell was very much of that opinion, and there are many gentlemen now about the country who believe that you can turn a late river into an early river; there are many of these salmon questions with regard to which both parties are right and both parties are wrong; I think you may make more fish come up at an early period than before, but not one minute earlier than is the natural custom of the salmon of that particular river; that is to say, the fish run up the Severn, the Dee, and so on in the month of February; whereas you will never, while the world lasts, get a fish to run up the Dovey, or the Camel in the month of February; so that, although the preservation of the fish and the removal of weirs may have some effect in making the early fish more in number, I do not think that they will come very much earlier with regard to time. If you compare the old close seasons with what the fishermen now want, you will find very much the same sort of thing; but at the same time, it is to be considered that in some of the rivers that are still late, the fish have not been properly preserved, and also that if you preserve the fish properly, I think they will come in greater numbers, but not earlier; as the matter now stands, those people who are interested in the Camel and the Fowey especially, cannot catch any fish at all, because the fish do not enter their rivers; it is a fact, and we human beings cannot help it.

2616. Is it not possible that there may be rivers where the first rush of salmon naturally is in March, but the salmon have been so obstructed by weirs and fixed engines that they now do not come up until June, but that by increased preservation and better care they might return to the old time of March?—I asked some gentlemen, who know wild fisheries of Nova Scotia, where there are no fishery boards, no pollutions, and no weirs, and they say that every river has its own season, and Mr. F. K. Lord tells me that in the west coast of California, the salmon come to the week, and the Indians know that they keep their regular fixed time; so, although I should like to make myself believe that we can make a river earlier, I have no evidence of that yet, but still there is no reason why we should not try to make it earlier.

2617. I have heard the theory stated that, by preserving the early fish that come up and those fish that spawn early, their eggs are hatched earlier, and, in fact, that they are early birds all through their lives, and in consequence come up earlier every year; do you believe that?—It is very doubtful. Suppose the young are hatched in the end of December or the middle of February, the smolts go to sea all at the same time notwithstanding that.

2618. You think the time of hatching makes no difference as to the time of the smolts going down?—Not much.

2619. Can you tell a Shannon salmon from a Severn salmon, or a Ribble salmon?—The Shannon salmon is, I think, about the best instance I can give of being able to know a salmon by his look; a Shannon salmon has always a little round shoulder, with a very small head; I can show you four or five casts where you will see them very much alike. Dutch salmon you can also know by their appearance.

2620. *Chairman.*] But, as a rule, I think you cannot distinguish the salmon of one river in England from the salmon of any other river in England, can you?—Taking a broad view of the subject, you may say that you can distinguish a Severn salmon from a Fowey salmon.

2621. I understood you to say, the other day, that you approved of mixing breeds?—Yes.

2622. But, with regard to transferring salmon from one river to another, if that is done to any extent, of course the distinctive character of the fish will cease?—Yes; but we have not done it enough for that yet.

2623. Is there any truth in the rumour that the salmon never runs on a Sunday?—My idea is that the salmon always runs on a Sunday.

2624. You were asked, I think, whether any instructions were issued to you by the Home Office as to the discharge of your duties; there are no general instructions, are there?—No, not printed instructions; we carry out unwritten duties; we go to the clauses of the Act of Parliament.

2625. You see what the Act provides, and you see what your predecessors have done before you?—Yes, we see what we have to do, and we do it to the best of our ability.

2626. What remuneration do you receive?—£. 700.

2627. I presume that legal questions do occasionally come before you in the discharge of your duties; how are those dealt with when they arise?—We generally send them to the Home Office; to Mr. Hugessen.

2628. You mentioned the danger you apprehended from the carrying out of Mr. Paterson's plan as to weirs; are you aware that in Ireland very many weirs have been altered in the way Mr. Paterson suggested?—I never heard of it until this minute.

2629. Are you aware that hundreds of weirs have had apertures cut in them in this way, without in any degree injuring their stability?—No; I never heard of it until now.

2630. Are you aware that many weirs of a very dilapidated character have been so dealt with in Ireland, without in any way injuring their stability?—I never heard of it until now.

2631. And some connected with mills of very great value?—I should like to see them.

2632. Mr. *Knatchbull-Hugessen.*] Have you been over the Irish Fisheries?—Yes; the Galway fishery.

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APPENDIX.

Appendix, No. 1.

PAPERS handed in by Mr. *Paterson*, 23 July 1869.

COPY of CORRESPONDENCE as to the Amendments in SALMON FISHERY LAWS, ENGLAND. App. No. 1.

Mr. *Paterson* to Under Secretary of State, Home Department.

Sir, 1 April 1868.

As many parties interested in the English salmon fisheries are anxious that some amendment should be made in the existing law during the present Session, it occurs to me that I feel it a duty now to point out to you, for the information of Mr. Secretary Hardy, a few points which seem to press for some immediate remedy. Having been a member of the Special Commission from the first, and being acquainted with the working of the two recent Acts of 1861 and 1865, I think these of such importance that the Government ought to be put in possession of their bearing on the main business of this Commission, with which they are closely connected. That business is to take the opportunity of testing the legality of all existing fixed engines and appliances for capturing salmon, so as to make a complete register of those that are legal; all new appliances of the same description being for the future prohibited.

1. *Crown Engines.*—In the rivers Wye and Severn, it happens that some fixed engines belong to the Crown. The law officers, when consulted, agreed with the Commissioners that the Act of 1865 gave no jurisdiction to decide the legality of these; nevertheless, their continuation and exemption from all question, while the engines of private owners have been abated, have proved a constant source of local irritation. The Commissioners of Woods and Forests, having had some correspondence with this Commission, are now willing that our jurisdiction should, by some amending Act, be extended to the Crown engines. This defect could be cured by simply enacting that in these Acts the word "owner" shall include the Crown.

2. *Solway Firth.*—As regards the Solway Firth, the owners of fixed nets on the English side having had their engines condemned, complain that there is no equally summary mode of testing the legality of those on the Scotch side. This also continues to be, and must remain, a source of local irritation. The hardships might be obviated by extending the jurisdiction of the English Commissioners to the Scotch side of the Solway, so as to try the legality of all Scotch engines there, according to Scotch law, leaving the owners the same right of appeal to the Court of Session which the English owners had to the Courts at Westminster. It is true the English owners would like the English law imported into Scotland for the purpose, as being supposed to be more stringent; but as this might be deemed unjust, there could at all events be no reasonable objection to our trying Scotch engines according to Scotch law. If it be found that, according to that law, these engines cannot be interfered with, then it must rest with the wisdom of Parliament to devise some other means of mitigating the anomaly.

3. *Fishing Mill-Dams.*—In dealing with fishing mill-dams, where the Commissioners find such dams illegal, the 42nd section of 28 & 29 Vict. c. 121, gives power only (such is the expression) "to make such dams incapable of catching fish." The Court of Queen's Bench seems disposed to construe this strictly as authorising the Commissioners only to stop up the fishing box; but to do this would make things worse than they now are, the main grievance being that the dam obstructs the passage of fish. The words might be slightly altered, so as to obviate this difficulty.

4. *Ancient Fishery Acts.*—By the Act of 1861 all the old Fishery Acts were repealed, but many of their enactments were not re-enacted. At that time a Commission to try the legality of existing engines, &c., was not thought of; but owing to the Act of 1865 referring to and incorporating the former Act, this peculiar consequence has resulted; that whereas things were admittedly illegal before 1861, now, since the repeal of those Acts, they have been legalised, thereby putting the engines in a better position than they were before 1861. (*See* Garnett *v.* Backhouse, Queen's Bench, November 1867). This being the reverse of what was intended, the remedy would be to repeal the repealing clause in the Act of 1861, so as to enable the old law to be still applied to the existing engines for the purpose of determining the questions left for this Commission.

5. *Appeal to Court of Error.*—The Act of 1865 provides no appeal from a decision of one of the superior courts to a Court of Error. The consequence is, that the Court of Queen's Bench has disposed cursorily of the most novel and intricate points affecting most prejudicially large classes of riparian owners, and the subject is left in confusion, which could only be cleared up by more discussion before a Court of Error. This difficulty might be cured by enacting that error may be brought on a judgment of any superior court as provided with regard to judgments on special cases under the Common Law Procedure Acts.

6. *Gaps in Fishing Weirs.*—By the 12th section of the Act of 1861, the Court of Queen's Bench says

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says, the Legislature obviously intended that there should be a gap in all fishing weirs; yet the Court states that in section 27 of the same Act, gaps are specified only for certain fishing weirs. By this defect, the River Taw in Devonshire is likely to be fatally injured. The remedy would be to alter the words so as to make it imperative to have gaps in all fishing weirs. As my colleagues concur with me that the above points are of pressing importance, and have desired me to point them out to the Government, should Mr. Secretary Hardy consider them to be proper subjects for immediate legislation, I will be most ready to give him all the assistance in my power in the preparing of a proper Bill to carry out his wishes.

I have, &c.
(signed) *James Paterson.*

Note.—Mr. Paterson never received any reply, verbal or otherwise, to the foregoing.

J. P.

20 July 1869.

Mr. *Paterson* to Secretary of State, Home Department.

Sir, 23 December 1868.

I THINK it right, as chairman of the English Fisheries Commission, and intimately acquainted with the state of the business from the commencement, to call your attention to the present position of the fisheries, and to suggest the necessity of amending the laws so as to supply certain conspicuous defects in the recent Acts of 1861 and 1865, recently brought to light by the decisions of the courts of law; and which defects are creating much dissatisfaction throughout the country, and I will be ready to state the details at any time which it may be convenient for you to require them.

I have, &c.
(signed) *James Paterson.*

Mr. *Walpole* to Mr. *Paterson.*

Home Office, Fishery Department.

My dear Sir, 24 December 1868.

Mr. BUCKLAND and I are anxious to see both your brother Commissioners and yourself, in regard to the amendments which it may be thought advisable to introduce into the present Salmon Fishery Acts; and we shall be very glad if you, or they, could conveniently meet us, either here or at your own office, on one of the days of next week.

Faithfully yours,
(signed) *S. Walpole.*

J. Paterson, Esq.

N.B.—The above was not received by me until Monday, 28 December 1868.

J. P.

Mr. *Paterson* to Mr. *Walpole.*

22, Parliament-street,
Westminster, S.W.

My dear Sir, 29 December 1868.

MY colleagues being out of town, and having previously arranged not to come to town this week, I think it will be impracticable for them to meet you and Mr. Buckland, as you suggested. As regards myself, I am expecting to hear from the Home Secretary, in answer to a letter I wrote him on the same subject a week ago, and I think it will be premature to say or do anything till his authority can be obtained for proposed alterations in the Fishery Acts.

Yours, &c.
(signed) *James Paterson.*

Under Secretary of State to Mr. *Paterson.*

Whitehall,

Sir, 29 December 1868.

I AM directed by Mr. Secretary Bruce to acknowledge the receipt of your letter of the 23rd instant, calling attention to the present position of the salmon fisheries, and suggesting the amendment of the laws so as to supply certain defects in the Salmon Fishery Acts of 1861 and 1865; and I am to request that you will be so good as to communicate in writing the details of the amendments proposed by you, and at the same time inform Mr. Bruce whether the other special Commissioners of English Fisheries concur in your recommendations.

I am, &c.
(signed) *E. H. Knatchbull-Hugessen.*

Jas. Paterson, Esq.,
Chairman of Special Commissioners
for English Fisheries,
22, Parliament-street.

Mr. *Paterson* to the Secretary of State, Home Department.

Sir, 8 February 1869.

IN pursuance of your letter of the 29th December last, I beg to state in some detail the present position of the salmon fisheries, and the amendments required to supply certain defects in the Acts of 1861 and 1865, and to say that my colleagues entirely agree with me in all that follows:—

1. From the Report of the Commissioners of 1860, it fully appeared that there were three main evils preventing the restoration of our salmon fisheries:

I. Fixed engines.
II. Dams and obstructions in rivers.
III. Pollutions.

2. I.—The Acts of 1861 and 1865 were almost exclusively confined to the first head; for the provisions they contained as to the two latter heads have proved futile, and all but a dead letter. The appointment of special Commissioners to test the legality of the fixed engines has sufficiently enabled those to be put in course of trial, and the chief enactments still required under that head, are these:—

3. (1.)—That express power shall be given to try the legality of fixed engines belonging to the Crown. To this the Commissioners of Woods and Forests, after correspondence, have already agreed.

(2.) That fishing weirs in branches of rivers, as well as in the main river, shall have gaps of a minimum

minimum width of three feet. The Court of Queen's Bench said this was an obvious blunder in the Act of 1861. *See* Rolle *v.* Whyte, L.R., 2 Q.B., 286.

4. That an appeal shall lie from whichever of the superior courts decides an appeal from the Fishery Commissioners. This point is of less consequence as regards fixed engines, than as regards the two other heads. The reason is that novel, intricate, and difficult questions are involved, and it is a manifest injustice that hundreds of miles of fisheries should be all but confiscated by some decision given on a final consideration of the subject, with only half of the materials before the court, and those not properly and fully argued out, and yet no means of having that decision reviewed. Such is the situation as to the decision of Rolle *v.* Whyte by the Court of Queen's Bench, in consequence of which, we had to decide a late case against parties whom we believed to be in the right, merely in order thereby circuitously to get the case reviewed by an independent court. (*See* the decision of the Commissioners on Lord Lonsdale's Salmon Hall Weir, 10th December 1868, herewith sent.) Lord Leconfield and others, the opponents of Lonsdale, have taken that case by appeal to the Court of Common Pleas, and if, as is possible, the latter court should differ from the Queen's Bench, the scandalous result will follow, that, in all similar cases in future, whichever party we decide against will be able to reverse our decision by appealing to that one of these two courts which is favourable to his view. Therefore error should lie on the decision of a superior court, as in special cases under the Common Law Procedure Act.

5. II. Dams and obstructions in rivers form the radical evil, in comparison with which fixed engines were of trifling importance. The evil lies in this, that if the fish are prevented from getting to the only place where they can breed, the stock must perish. On this head the Acts of 1861 and 1865 contain no adequate provisions whatever that can be turned to any useful purpose. The state of things is this: A dam which, with the mill and house connected therewith, may be let at 30 *l.* a year, owing to its having no fishway, destroys the fisheries of all the riparian owners above, and all but destroys the private and public fisheries below (which, in the aggregate, may be worth 3,000 *l.* a year); and this by excluding the fish from getting up the river to the only place where they can breed. This state of things exists in all phases and degrees in most of the rivers in England and Wales, and until it is remedied and grappled with, no permanent good will ever be done to the fisheries. This anomalous and unjust state of things is at present aggravated by this further circumstance, which is entirely the fault of the Legislature, that whereas, before 1861, a remedy generally existed, which, it is true, was a tedious and expensive remedy, and was therefore seldom resorted to, still, owing to the wholesale repeal of the old Acts by the Act of 1861, and no substituted remedy given, none now exists. At least that appears to be the view (whether right or wrong) taken by the Courts. (*See* Garnett *v.* Backhouse, L. R., 3 Q. B. 30.) Therefore the present state of things should no longer exist; for to allow one man who has obviously begun by doing an actionable injury to hundreds of his neighbours, to continue in the enjoyment of the unjust gains acquired by so doing, merely because there was no practical and easy remedy whereby to stop him, is to sacrifice the interests of many to those of one person, and the impunity he has so long enjoyed tends to foster the idea that, because the law has seldom, if ever, been put in force against him, he must, therefore, have acquired some legal title (he cannot tell how or why) to continue these injurious acts for ever.

6. The Legislature, it is obvious, cannot know how to deal with these dams until the preliminary question has been solved, whether, and to what extent, the owner has acquired a legal right to hinder the fish from passing. In the Acts of 1861 and 1865 the Legislature obviously had no settled view as to the kind of law which was applicable to this situation of things. There is, it is true, an allusion in the Act of 1861 to dams existing "by virtue of grant, charter, or immemorial usage," whatever those words may mean; but then dams also existing, not by virtue of grant, charter, or immemorial usage, are at the same time left untouched; thereby implying that all dams then existing must be legal, or, at least, could not be touched in any way except by the favour of the owner. The words "grant, charter, and immemorial usage" (they were borrowed from the Irish Acts, which abound in loose and unmeaning phraseology) have only confused everybody who has tried to understand them, including the judges. Another inexplicable feature of the Act of 1865 was, that it selected one class of dams called fishing mill-dams, and gave jurisdiction to the Commissioners to try those only, leaving out provisions as to all other dams which do precisely the same mischief and often greater; moreover, all that the Act gave power to the Commissioners to do on finding a fishing mill-dam illegal, was to render it incapable of catching fish, *i. e.*, by closing up the fishing-box, which is a remedy, mostly, worse than the disease.

7. The proper and only question in regard to all these dams, really comes to this, whether the owner of the dam has acquired a legal right to hinder the fish passing. That question exhausts the subject, for if, on any ground known to the law, the thing has become legal, it is wholly immaterial whether that ground is called grant, charter, or by any other name. There is law to be found (both statutory and common law), which may be brought to bear on the decision of that question, and the means of now bringing to the test of law all such dams is what is urgently felt all over the country, and ought to be provided by the Legislature; because to do so is not merely to benefit the riparian owners, but, in reality, the benefit will be to the public fisheries in the estuaries which cannot exist in their normal state of prosperity, except by and through some incidental benefit to the upper riparians, in whose part of the river alone the fish can breed.

8. Assuming that a ready means of testing whether the dams now existing and hindering the fish from passing are legal or illegal, will be provided, then all that would require upon that to be done, would be to direct that the owners of illegal dams should make fishways at their own expense, and the owners of legal dams should make fishways on receiving compensation. The addition of a fishway, if made compulsory in all cases, is, after all, only a trifling expense, the average cost being 60 *l.*, and any loss of water-power in the latter case (though that would be generally a nominal sum) would be included in the compensation if that head of claim were substantatied. This

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would, in other words, be to apply the Lands Clauses Act to those dams which were found legal, to the extent of compulsorily making a fishway therein; and by such an enactment no possible injustice would be done to anyone further than is done every day by all Railway and Local Improvement Acts, which pass every year by the hundred.

9. Whatever interested misrepresentations may be made to the contrary, it is well understood, as a question of practical engineering, that a dam may in all cases be made having a fishway as part of its structure, which will be equally effective for milling, navigation, or canal purposes, as a dam which has no fishway in its structure. And, as a general rule, most fishways only require a hole of two or three feet square to be made in the top of the dam, with some sloping structure leading up to it; and it is only because dams have been made on the cheapest pattern, to save, perhaps, a few pounds in the original outlay, that all this continuing injury to fisheries caused by obstructive dams has been created.

10. Assuming, therefore, the principle to be admitted, that all dams should forthwith be tested as to their legality in the matter of fishways, and that the owners of illegal dams shall be compelled to make fishways at their own expense, and owners of legal dams shall make them on compensation given, there is still an exceptional case, where the dams may be found legal and yet the fishway ought to be made at the owner's expense. Such is the case of dams made under Acts of Parliament for navigation, canal, or like purposes. It will generally be found, in all these cases, that the Legislature, in granting authority to make dams, and thereby to do what was *primâ facie* an actionable and continuing injury to all the owners of fisheries in the river, omitted to insert provision for compensation being given to these owners. That was acting contrary to the established practice of modern years. Probably this happened partly by ignorance of the parties injured, as well as of the Legislature itself, at the time of the passing of the Acts, many of them a century old; still it was the neglect primarily of the Legislature itself, and the fact of this continuing injury having been done all the years that the dams have been made, without ever compensating the owners of fisheries thereby injuriously affected, is no reason for not now discharging the long arrear of injustice thus done, but the contrary. Therefore it should be enacted, that in all cases where dams and obstructions have been made in salmon rivers by statutory authority, and no provision was made for giving compensation to the owners of the fisheries, fishways shall now be made at the expense of the Commissioners, bodies corporate, &c., who erected these dams. Moreover, many of these navigation and canal systems are reduced to mere shadows by railways, and the injustice of keeping them up is the more apparent, at least at the expense of doing continuing injury to those who have been all that time, without compensation, debarred from using their fisheries in so ample a manner as they were used at common law.

11. III. Pollutions form the third head of serious evils retarding the restoration of the fisheries, but they may be dealt with very much on the same principle. Sewage of towns, &c., may be left out altogether, for this is supposed to be no material injury to fish, or to prevent their passage. But as regards manufacturing or mining refuse of a destructive nature, those who discharge such refuse either have a legal right to do this, or they have not, and power should be given to try the question in a short and easy way. If they have not the right, then power should be given to order them to make the necessary alterations to discontinue or avoid doing the mischief. If they have the right to poison and destroy the fish, or hinder their passage at a certain point of a river as against all the world, and no court of law or equity can touch them, then power may be given to order them to make the necessary alterations on being compensated for the extra expense of carrying out such alterations. In this class of cases, the parties, to ensure perfect justice and fairness, may be not only protected by a right of appeal to a court of law or equity, but, in addition to the ordinary powers so as to meet any complicated questions of law and fact relating to pollutions, and nice questions on the law of easements, power might be given to the Appellate Court to draw inferences from facts, which power is not incident to the appeal now existing as to fixed engines.

12. There are other points relating to improving the machinery of the late Acts, as to Fishery Districts, bye-laws, power of Boards of Conservators to rate all fisheries within the district (as in the case in Ireland and Scotland), and other miscellaneous points, which would naturally occur to anyone drawing a Bill so as to meet minor difficulties that have arisen, or may arise, in working the Fishery Acts. The principle of the machinery would be mainly this: to let boards of conservators in general manage their own affairs, subject to certain limits and checks, as, for example, the power of making bye-laws is too important, difficult, and invidious a subject to be intrusted to them.

13. Instead of further enlarging on these general views I will conclude by translating them at once into a practical shape, by suggesting the heads of a proposed Amending Bill.

14. Extend powers of special Commissioners to inquire into the legality of all dams, weirs, and artificial obstructions which hinder the passage of salmon.

15. If on such inquiry it be found that the owner has acquired no legal right to hinder the fish, power to order him to make a fishway, and, failing his executing the work within a time limited, power to cause it to be done at his expense.

16. If in case of dams erected under statutory authority to supply canals, &c., it appears that the works have been so constructed or used as to cause material injury to the fisheries, by abstracting or wasting excessive quantities of water, and the owners could be compelled, by process at law or equity, to alter their user, and thereby avoid such injury, then power to order such alterations at the expense of the owners as will avoid such injury.

18. If, on inquiry, it appears that owners of dams and obstructions have not erected the same under statutory authority, but have nevertheless acquired a legal right to have a weir which hinders the fish, Commissioners are further to inquire whether

whether the owners are willing to agree with the Board of Conservators to make a fishway at the expense of the Board, failing which agreement the Board to give certain notices, and, with assent of Home Secretary, to put the powers of the Lands Clauses Act in force to the extent of making a fishway in such weir.

19. Compensation in such cases to be assessed by the Commissioners of Fisheries, if both parties agree, failing which to be assessed by justices.

20. If, on such inquiry, it appear that expense of alterations and fishway would amount to two-thirds of the value of the dam and mill, or works necessarily used therewith, Board to have the option of putting Lands Clauses Act in force, for purposes of purchasing the dam and premises for removal of dam only, and power to sell materials and surplus property.

21. Commissioners to have power, on being provided with funds, to make fishways over natural obstructions in rivers, and do all necessary works.

22. Where owner of a mill-dam or fishing mill-dam, which formerly had a fishing-box as part thereof, is desirous of abandoning the latter, and converting it into a fishway, or making a sufficient fishway, power to order work to be done at his expense, and to certify that the dam with such fishway, is legal to all intents and purposes.

23. Where fishway is once made and certified as legal, and it be found further alterations are required to make it efficient, power to make such alterations at expense of Board of Conservators.

24. All fishways once made and certified as legal, to be maintained by the Board of Conservators, and power to enter and execute repairs on giving seven days' notice to owner of dam.

25. Where, from floods or other cause, a fishway is out of repair, notice thereof to be given by owner of the dam to Board of Conservators; penalty on owner for wilful neglect in giving such notice, whereby material damage is done to the fisheries.

26. Penalty on all persons wilfully damaging fishway, or using device, &c. to obstruct passage of fish there.

27. In all cases whatsoever, when dam destroyed, decayed, or taken down in whole or material part, and owner desires to rebuild it, or to build a new dam, or raise an existing dam, the dam shall have a fishway as part of its structure. Notice of rebuilding, or raising dam, to be given to the Board of Conservators, and to the Commissioners of Fisheries, whom failing Home Office, who are to approve form of fishway. Penalty for rebuilding without having fishway as part of the structure whereby passage of fish hindered.

28. All owners of mill-dams, dams for canals, irrigation works, &c., to erect and maintain, within six months, a heck or grating across the intake or mouth of race or leat, or at a point near thereto, to be approved by Commissioners of Fisheries. Also to erect a similar heck or grating at the tail of the leat, where it joins the main river, and all orders and certificates of Commissioners to describe situation and measurement of such gratings in connection with such dam.

29. Where waste sluices in any mill race cannot be used as a passage for fish when open, &c., and a fishway is thereby deprived of water and passage of fish hindered, power to order grating near such sluice, and to direct alterations in form and mode of using waste sluice, and to state in certificate conditions under which it will be henceforth legal to use it in connection with fishway, if any.

30. Owners of mills and other works before cleaning out mill race, to give seven days' notice to Board of Conservators, stating time appointed for doing so. Penalty for neglecting notice, or for killing, destroying, or abetting the destruction of salmon, and young of salmon found in mill races, or for obstructing water bailiff and assistants in taking reasonable precautions to protect such fish.

31. In all weirs made or used for sole purpose of supplying canals, navigation, mill, or other works, where no fishing apparatus is used in connection therewith, the fishway shall be of the following form. (State measurements and general construction of fishway, upper inlet not to be less than two feet, nor greater than two feet six inches in width, and sill of inlet to be two feet below level of apex of weir; to have a flood-guard; body of fishway to consist of pools of ten feet square; measurements of stops and openings, height of side walls, gradient not less than one in seven; outlet of fishway to be in best lead of water).

32. If, from size or peculiar conformation of the river at the site of the weir, or other obstruction, it appears to the Commissioners that some other form of fishway equally or more efficient may be made at less expense, the Commissioners to have power to cause such variation in form and plan of fishway to be made in lieu of the fishway herein described.

33. Thirty days' notice to be given of intended construction of all fishways, by parties whose weirs have not been certified to be legal, to be given to the Commissioners of Fisheries and Board of Conservators. Penalty for constructing fishway in violation of directions, whereby material damage done to the fisheries.

34. In constructing fishway Commissioners may alter the bed of the river and banks, and do all necessary works, so as to increase the lead of the water near outlet of such fishway; such works to be deemed part of such fishway; and Board of Conservators, on notice to owner of dam, to have power to enter, and clean out and repair such lead, and maintain the works.

35. Penalty in all cases where no fishing apparatus is attached to mill-dams, or certified to be legal, for taking, or attempting to take, salmon, or young of salmon, at any mill-dam in any mill-race, or appurtenance of mill, or wilfully obstructing passage of fish, or using any mill or waste sluices in connection with the water flowing over the dam, for the purpose of facilitating the catching of fish, but nothing herein shall interfere with fishing with rod and line in the main river near mill-dams, if not prohibited by any bye-law then in force.

36. No net to be used within 100 yards above or below dam or weir if above three feet in height.

37. Where mill-dam with works appurtenant cannot be altered without great expense, so as to permit

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permit a constant flow of water through fishway, but water may be admitted at stated intervals sufficient to permit the passage of fish, the Commissioners in their certificate may state the conditions and terms under which such admission of water shall be regulated, and the mode of user, and may also direct certain pools adjoining fishway to be protected against trespassers, and abuse, and describe the same in their certificates.

38. In all cases of trials of legality of dams and obstructions, the order or certificate of Commissioners shall embody a survey of the said obstruction, or otherwise state the height and measurements thereof, and the terms and conditions imposed in reference to the user of water in connection with the fishway therein. Such certificate to be conclusive evidence of the facts therein stated, and binding on all parties except so far as altered on appeal. Copy of certificate to be given to owner of dam and to Board of Conservators, and to be registered with the clerk of the peace.

39. Penalty for contravening any of the terms or conditions, or regulations, set forth in such certificate.

40. All orders of Commissioners in reference to the legality of obstructions, so far as they hinder the passage of fish, to be subject to appeal to a superior court.

41. Error to lie on decision of such superior court as in special cases under Common Law Procedure Act.

42. Power to try legality of all weirs, &c., belonging to the Crown as in case of the subject.

43. Power to Commissioners on application of Board of Conservators after due notice and hearing parties, to make bye-laws, or to rescind or vary the same, from time to time, and to impose a penalty not exceeding 5 *l.*, for violation thereof as to the following points:—

To alter close season as to the whole or part of a district, estuary, lake or river, so that close season shall in no case be less than 153 days for each season.

To define a certain limit in a river beyond which no net shall be used in fishing.

To vary weekly close season in whole or part of a district or river, so that the maximum shall not exceed the period between six o'clock on Friday evening to six o'clock on the following Monday morning, and to prescribe regulations for better observing the weekly season and detecting the violation thereof.

To restrict the modes of fishing as regards the place of fishing, and instruments and engines used, and the size of mesh of any nets used.

Where fishing for sea-fish or fish other than salmon, is carried on in a manner to unduly interfere with the preservation and protection of the salmon, to make regulations for same.

To make any other bye-laws, rules, orders, and regulations for the more effectual government, management, protection, and improvement of the salmon fisheries, and in the various districts, and rivers and lakes, and sea-coasts therein, and for the preservation of good order among the persons engaged therein.

44. Fourteen days' notice to be given of the aplication for a bye-law, and of the meeting of Commissioners to hear evidence; and no bye-law to come into force until six weeks after the making thereof, and the approval of the Home Secretary, signified in writing.

45. If any person is dissatisfied with any bye-law so made, he may, within 14 days, demand from the Commissioners a short statement of the reasons, and the evidence on which such reasons were founded, and giving notice of such demand at the same time to the Board of Conservators; and both or either party may forward a copy of such statement of reasons, and any objections against them, or further reasons in support thereof, to the Home Secretary, who shall have power to rescind, vary, or suspend or limit the effect and operation of such bye-law in whole or part.

46. As to the publication of bye-laws.

47. As to the mode of proving bye-laws.

48. Bye-laws, when allowed, to be printed, and a copy thereof to be had for 1 *d.* from the secretary of the Board of Conservators.

49. Power of Board of Conservators to rate the owners and occupiers of all salmon fisheries in the district at a sum not exceeding 5 *s.* in the pound, according to the annual value thereof.

50. Power to board to appoint a secretary, and pay him a reasonable salary, and assign his duties; and to appoint a bank to act as treasurer of their funds.

51. Power to board to appoint a valuer of fisheries. Appeal from valuation to Commissioners of Fisheries, at option of party aggrieved, or to quarter sessions.

52. Provision as to mode of recovery of rate.

53. Power to apply funds towards the purchasing of property hereby authorised, making of fishways, paying of compensation, and prosecuting offences, and doing all acts necessary for the improvement and protection of the fisheries in their district.

54. Water bailiff to have power to traverse, without let or hindrance, the banks of all rivers, lakes, estuaries, and sea-coast frequented by salmon; and to enter upon, at all reasonable times, and examine all mills, mill races, and appurtenances of mills, canals, reservoirs, and waters communicating with salmon rivers.

55. Power to Commissioners, on application of any two owners of fisheries, to hold inquiry and divide into districts such rivers, lakes, estuaries, and sea-coast as have not yet been formed, and to appoint first meeting of board; such order not to come into force till six weeks after making thereof, and reasons to be stated, on demand, to parties dissatisfied, as s. 45, *ante*.

56. Power to Commissioners, on application of any board, to alter or vary districts, or to join or divide districts; with appeal to Home Secretary, as s. 45, *ante*.

57. All fishing weirs extending across a branch of a river to have a gap not less than three feet wide, and in other respects subject to the rule as to weirs across the main rivers.

58. When any refuse or matter, in a solid or liquid form, shall be discharged into a river, or a tributary of a river, frequented by salmon, whereby the fish shall be killed, poisoned, or materially injured, &c., deterred from passing or from spawning at or above the places of such discharge, the Commissioners shall, on the complaint of the Board of

f Conservators, hold an inquiry, and determine the egality of such acts, and the legal right of the wners, occupiers, manufacturers, &c. to commit his nuisance; and if it be found that he has cquired no legal right to discharge such matter, c., the Commissioners may order all works to be ade at the expense of such owner, so as to avoid he continuance of such injury.

59. If on inquiry it be found the manufacturer, c. has acquired a legal right to discharge such natter, thereby killing or injuring the fish, then he Commissioners may order such alterations to e made in the premises, or use and disposal of he matters discharged, so as to avoid the continuance of such injury to the fisheries; such works to be at the expense of the Board of Conservators, and compensation to be given, if substantiated, for any loss thereby caused to the miller, manufacturer, &c.

60. All orders made by Commissioners, as to batements of nuisance, &c., to be subject to ppeal, at the option of the party, to a superior ourt of law, or to one of the Vice-Chancellors, or o the Master of the Rolls; and the court to have ower to draw inferences from facts, and reverse, lter, or vary the order of the Commissioners, and eturn the same to them, with directions or opinion hereon.

61. If on appeal to a superior court of law, he court shall deem it a case more fit to be disosed of by a court of equity, power to such court o remit the case to one of the Vice-Chancellors, r to the Master of the Rolls, which latter court o have all the same powers as if appeal originally ade to such court in first instance.

62. Error on appeal from order or judgment f any of these courts.

63. Penalty on all persons who have not, at he passing of this Act, acquired any legal right o discharge poisonous and deleterious matter into almon rivers for doing so or continuing to do so vhereby salmon are materially injured, &c., and o user, however long continued, after the passing f this Act, whether interrupted or not, shall be f any validity or force, to confirm or create any asement or right whatsoever, not already acquired, upon the person doing such acts, nor shall my such user be held or deemed by any court of aw or equity any evidence, or to strengthen any ormer evidence of any legal right whatsoever to lo such acts.

64. Notwithstanding the repeal of the Acts mentioned in the schedule of the Act of 1861, all such Acts shall be deemed to be in full force and effect for the purpose of ascertaining and determining the legality or illegality of all weirs, dams, and obstructions whatsoever, under the powers of this and the Act of 1865, and no owner of any weir, dam, &c., shall be deemed to have acquired any additional title from any user that has taken place since 1861; and all such weirs, &c., as were not legal in 1861 shall be subject to the jurisdiction of the Commissioners, who shall have full power to convert them into a legal state, or otherwise deal with them, as provided by this Act and the preceding Act of 1865.

I have, &c.
(signed) *Jas. Paterson.*

The Under Secretary of State to Mr. *Paterson.*

Dear Sir, 2 April 1869.

If you are in town Mr. Bruce would like to see you to-morrow (Saturday) at 3 o'clock about the proposed new Salmon Fishery Bill.

Faithfully,
(signed) *E. W. Knatchbull-Hugessen.*

The Under Secretary of State to Mr. *Paterson.*

Dear Sir, 8 April 1869.

I have received the enclosed this morning, and should like your opinion of the different plans; I shall be glad to get your clauses that I may make progress with the Bill.

Faithfully,
(signed) *E. W. Knatchbull-Hugessen.*

Mr. *Paterson* to Under Secretary of State.

8 Parliament-street, Westminster, S.W.
Sir, 9 April 1869.

I beg to enclose the draft clauses of a Fishery Bill embodying the main points referred to in my conversation with you on Saturday last. These clauses seem to cover the following paragraphs in my letter of 8th February, viz., 14, 15, 18, 19, 23, 24, 26, 31, 32, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 53.

There are other important points, particularly paragraphs 28, 36, 54, but I have confined myself as requested to the main heads of greatest importance.

I have, &c.
(signed) *James Paterson.*

E. Knatchbull-Hugessen, Esq., M.P.,
Home Office,

Note.—Mr. Paterson never received any reply, verbal or otherwise, to the foregoing.—*J. P.*, 20 July 1869.

App. No. 1.

DRAFT CLAUSES sent by Mr. *Paterson* to Home Office, 9 April 1869.

Commissioners to inquire into the legality of dams and obstructions hindering the passage of fish, and, if illegal, may order fishway to be made.

1. SUBJECT to such appeal as is provided by the "Salmon Fishery Act, 1865," and after giving such notices as are required by the said Act in like cases, the Commissioners may inquire into the legality of all dams and artificial obstructions whatsoever which hinder the passage of salmon, and if on such inquiry it appear that the owner or occupier of such dam or obstruction had not at the time of the passing of the "Salmon Fishery Act, 1861," acquired any legal right to make or continue such dam or obstruction in such form as to hinder such passage, or, if it appear that the dam or obstruction was made under the authority of an Act or Acts of Parliament, which contained no provisions rendering it compulsory that such dam or obstruction should contain a fishway, or to give compensation to the owners of fisheries injuriously affected thereby, then the Commissioners may, by their order, direct a sufficient fishway to be made in such dam or obstruction, at the owner's expense, within a time to be specified in such order, and which order shall also specify the form and situation of such fishway; and in case the owner fails to comply with such order, the Commissioners on being provided with funds for that purpose, may, by warrant under their hand, authorise a contractor or other person to make such fishway; and the expense thereof, certified under the hand of the Commissioners, shall constitute a debt due from such owners to the Board of Conservators, or other person named in such certificate, as the party who supplied such funds.

Where owner of dam, &c., has legal right to hinder passage of fish, fishways to be made, and compensation to be paid.

2. If on such inquiry the Commissioners shall find that the owner of such dam or obstruction, which was erected otherwise than under the authority of an Act or Acts of Parliament, as before mentioned, had, previous to the passing of the "Salmon Fishery Act, 1861," acquired a legal right to maintain such dam or obstruction in the form in which it now exists, the Commissioners shall further inquire whether the owner and occupier and the Board of Conservators of the district are willing to agree that a fishway, approved of by the Commissioners as sufficient, and subject to such conditions as to the user of the same as they may prescribe, should be made at the expense of such Board, and failing such agreement, the said Board may, after giving six weeks' notice, to the owner and occupier of such dam or obstruction, of their intention, with the consent of the Home Office, make or construct a fishway in or near such dam or obstruction, at the expense of such Board; provided that, if any injury be thereby caused to the milling power or other lawful use hitherto made of such dam or obstruction, and the parties cannot agree as to the amount of compensation for such injury, the owner and occupier may recover such compensation, in a summary way; provided also that if the parties so agree, the Commissioners may, by an order under their hands, settle the sum to be paid as such compensation, and the sum so settled shall constitute a debt from the Board of Conservators to such owners and occupiers respectively.

Penalty for contravening order of Commissioners prescribing conditions as to user of and control over fishway.

3. Where any order of the Commissioners shall contain limitations or conditions as to the user of any fishway hereby authorised to be made, or as to the control over the water flowing through such fishway, any person acting in contravention of such limitations and conditions, or obstructing such fishway, or altering the bed or banks of the river so as to render such fishway less efficient, or using any contrivance to scare or prevent fish from passing through such fishway, shall incur a penalty not exceeding 5 *l.*; and, in case of a continuing offence, a further penalty of 1 *l.* for each day, after a written notice of the offence shall be delivered by the Board of Conservators to such person.

Form of fishway authorised by Act.

4. In all dams or obstructions other than fishing weirs, the fishway shall be constructed in the form and dimensions following; that is to say,—

1. The inlet shall not exceed three feet in width, and the sill thereof shall be not more than two feet below the level of the apex of the dam, such measurement to be made in the inside of the aperture; and there shall be a sufficient flood-guard to exclude an excessive quantity of water through such inlet.

2. The water flowing through such inlet shall be directed through successive pools of 10 feet square, and the mean gradient of the body of such fishway shall be seven feet horizontal for every foot perpendicular.

3. The outlet of the lower extremity of the fishway, where it joins the main body of the river, shall be in the best lead for the fish to be attracted towards such outlet.

4. The side-walls of each successive pool in such fishway shall be not less than three feet in height, measured perpendicularly in the inside of such fishway.

5. There shall be clear openings at alternate ends of each pool, each opening to be one foot wide.

6. The stops between each pool shall be 18 inches in height at the end next to the side-wall, and tapering to 14 inches in height at the end adjoining such opening.

Provided that it shall appear from the peculiar conformation, size, or other circumstances of the river at the site of such dam or obstruction that a fishway of some other form may be made which shall be equally or more efficient and less expensive, the Commissioners may, at their discretion, cause such variations to be made in lieu of the form hereinbefore described;

described; and when a fishway shall be certified by the Commissioners to be legal and in compliance with the provisions of this Act, the owner of such dam shall not be liable for the expense of any further improvements or alterations.

On application of Board of Conservators Commissioners may make bye-laws

5. On the application of the Board of Conservators of any district, and after giving such notices as are provided in like cases by the "Salmon Fishery Act, 1865," the Commissioners may hold a court for the purpose of making bye-laws having the following objects:

(1). To alter the annual close season as to the whole or part of a district, river, lake, or tributary, so that such close season when so altered shall not be less than 154 days, for all modes of fishing except by single rod and line.

(2). To vary the weekly close season as to the whole or part of a district, river, lake, or tributary, so that such season shall not exceed the period between six o'clock on Friday afternoon, and six o'clock on the following Monday morning.

(3). To define certain limits in a district or river where no nets shall be used for fishing, or nets other than those of a certain size and mesh.

(4). To restrict the modes of fishing used in certain places, and the use of certain instruments and engines where such use tends to destroy the stock of fish in the river or district.

(5). To prescribe regulations for the better observance of the weekly close season and for better detecting the violation thereof.

(6). To prescribe regulations as to the mode of fishing for sea fish and other fish which unduly interfere with the preservation and protection of salmon within the fishery district.

(7). To make regulations generally for the more effectual protection and improvement of the salmon fisheries in a fishery district, and to alter the same from time to time subject to the like notices and proceedings, and the Commissioners may by any such bye-law impose a reasonable penalty not exceeding the sum of 55 *l.* for each offence, and a further penalty not exceeding 1 *l.* for each day after a written notice of the offence shall be delivered by the Board to such offender, and such penalties shall be recovered and applied as in other cases.

Bye-laws may be altered by Home Secretary, and when in force to be published.

6. No bye-law made by the Commissioners shall be of any force and effect until six weeks after the first publication thereof has been made by them in one or more local newspapers circulating within the district: provided that any person who is dissatisfied therewith, on giving notice to the Board of Conservators, shall be entitled within three weeks after such publication, to demand from the Commissioners a statement of the reasons for making such bye-law, and the evidence in which such reasons were founded, and on such party transmitting such statement to the Home Secretary, the said Secretary may revoke, alter, suspend, or limit and allow the same, and may appoint a time for the commencement thereof, failing which appointment such bye-law shall take effect within one week after such alteration or allowance; and the Commissioners shall thereupon publish the bye-law so altered or allowed when the time comes into force, and such bye-law, when in force, shall, for purposes of evidence, be deemed an order of the Commissioners, and a copy thereof shall be supplied by the Board of Conservators to all licensed holders and ratepayers without payment, and the Board shall publish and circulate the same in all public places throughout their district.

Commissioners may try legality of engines, &c., belonging to the Crown.

7. The Commissioners may inquire into, and determine the legality of, all fixed engines, fishing weirs, and all dams and obstructions hindering the passage of fish which belong to the Crown, in the same manner as if the same belonged to a subject.

Error to be on judgment of superior court as in special cases.

8. Where an appeal against a decision of the Commissioners is now pending shall be brought to one of the superior courts of common law, error may be brought on the judgment of such superior court in the same manner as is provided in the "Common Law Procedure Act, 1865," with reference to a judgment on a special case, when the parties have agreed that error shall be brought on such judgment.

27th section of 24 & 25 Vict. c. 109, to apply to branches of rivers.

9. The 27th section of the "Salmon Fishery Act, 1861," shall apply to fishing weirs situated in branches of rivers, as well as in the main river.

Board of Conservators may make a district fishery rate.

10. A Board of Conservators shall have power, when and as often as occasion may require, to make and levy a rate or rates, to be called "The Fishery District Rate," upon the occupiers of all several fisheries within the limits of the district; such rate or rates not to exceed, in any one year, 5*s.* in the pound on the annual value, and for this purpose all riparian owners, and others who have the exclusive right of catching fish in waters frequented by salmon, shall be deemed to have a several fishery therein: provided that where the occupier of such several fishery shall not hold the same under a term of years, of which not less than five years are unexpired at the time of making such rate, he shall be entitled to deduct from the rent payable by him in respect of the premises three-fourths of such rate.

Certain provisions of the Local Government Acts to

11. And such district fishery rate may be made, either prospectively or retrospectively, to defray expenses incurred or to be incurred, whether before or after the passing of this Act,

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apply to district fishery rate.

within one year before or after the time of making such rate, or of its being confirmed on appeal; and save in so far as it is hereinbefore enacted, all the provisions of the Local Government Acts and the Acts incorporated therewith, with respect to the amendment of a general district rate, the apportionment thereof between outgoing and incoming tenants, the mode of preparing the estimate of money required by such rate, the giving of public notice of intention to make such rate, the inspection, publication, evidence and recovery of such rate, and the appeal against such rate, shall extend and apply to a "fishery district rate," so far as the circumstances admit, the Board of Conservators being substituted for the local board in such provisions.

Board may apply funds in making fishways, paying compensation.

12. A Board of Conservators may apply the funds raised by means of license duties and fishery district rates towards the making of fishways, the erection of gratings, the payment of compensation, and other improvements authorised by this Act on which they may deem expedient for the protection and increase of the stock of fish within such district.

For purpose of trying legality of weirs, &c. &c., rights to be determined as they stood before 1861.

13. For the purpose of trying the legality of all fishing weirs, fishing mill-dams, and other artificial obstructions which hinder the passage of fish, the rights of all parties interested shall be determined as they stood, immediately before the passing of the Salmon Fishery Act of 1861, anything in that Act contained to the contrary notwithstanding.

TABULAR VIEW of the ANNUAL CLOSE SEASON for SALMON in *England*, with Variations in certain Rivers under Local Enactments, given in by Mr. *Paterson* at the request of the Select Committee of the House of Commons on Salmon Fisheries, 1869.

A. D.

1283 — All rivers — close time — 8 September to 11 November.
Additional for young salmon — 15 April to 24 June.

1389 — Lancashire Rivers. 29 September to 2 February.

1705 — South^{n}. and Wilts Rivers. 30 June to 11 November.

1714 — 17 *Rivers:* Severn, Dee, Wye, Teme, Ribble, Weir, Tees, Dun, Aire, Ouse, Swaile, Mersey, Calder, Wharfe, Derwent, Trent, Ure. 1 August to 11 November.

1 August to 11 November.

1750 — Ribble. 14 September to 2 January.

1797 — 12 September to 1 January.

Teign (1803). 4 December to 4 March.

Dart and Plym (1803). 15 November to 15 February.

Cumberland Rivers (1804). 25 September to 31 December. 25 September to 10 March (partly).

10 October to 10 February (partly) (1809).

Carmarthenshire Rivers (1805). 1 November to 1 April.

Pembrokeshire Rivers partly (1805). 1 November to 30 April.

1818 — All rivers not expressly provided for to have close season fixed by justices in Quarter Sessions, not exceeding 150 days.

1843 — All rivers (including the 17 rivers above stated) not expressly provided for to have close season fixed by justices in Quarter Sessions, not exceeding 150 days.

Tyne (1842). 10 September to 10 February.

1861 — All rivers in England and Wales. 1 September to 1 February, being 154 days.

REPORT

FROM THE

SELECT COMMITTEE

ON

SALMON FISHERIES;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed*,
27 *July* 1869.

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DIAGRAMS

REFERRED TO

BY MR. JAMES PATERSON,

IN HIS EVIDENCE BEFORE THE

SELECT COMMITTEE

ON

SALMON FISHERIES.

Ordered, by The House of Commons, *to be Printed,*
27 *July* 1869.

361—I.

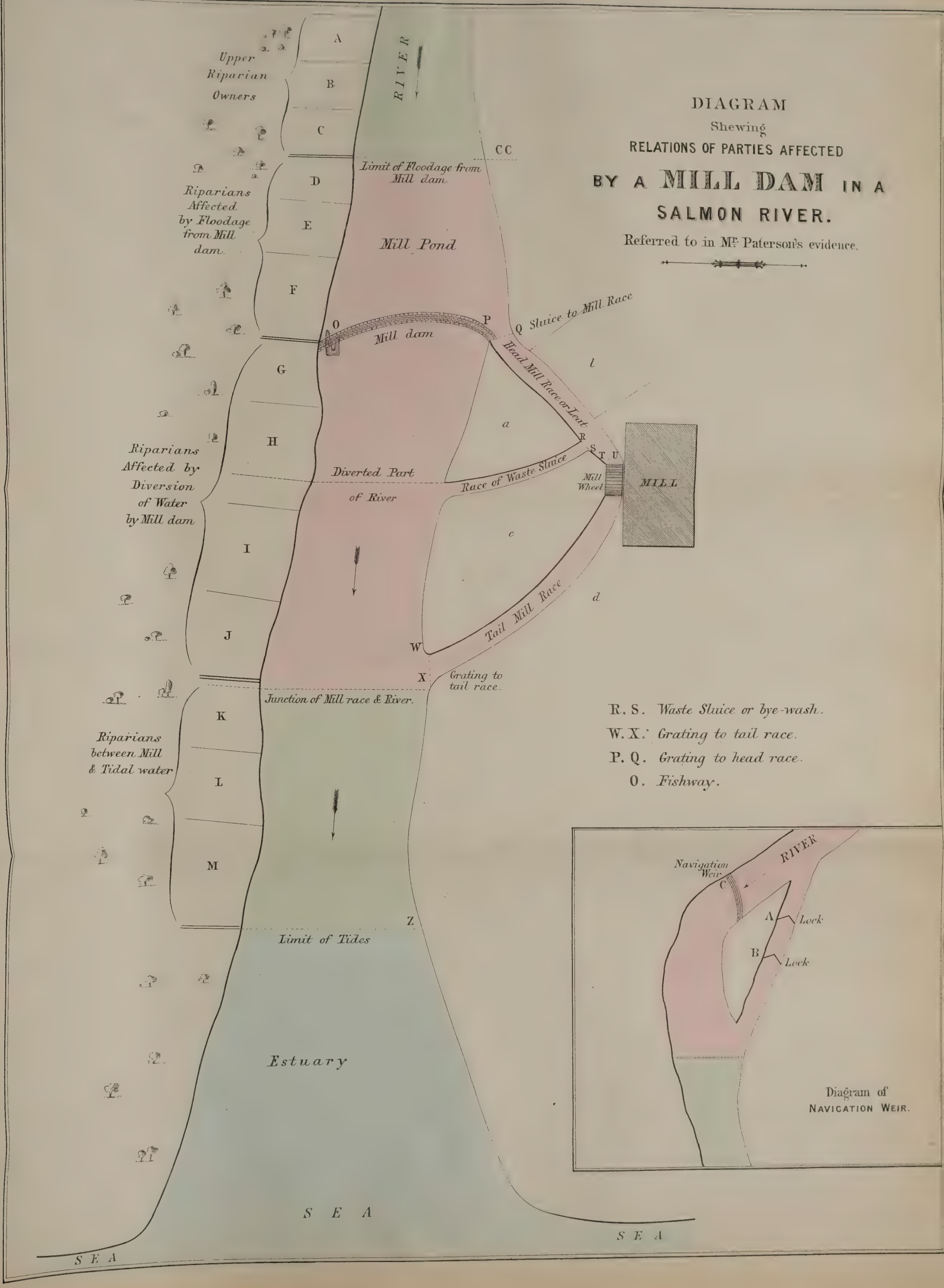
DIAGRAM

Shewing

RELATIONS OF PARTIES AFFECTED

BY A MILL DAM IN A SALMON RIVER.

Referred to in Mr Paterson's evidence.



R. S. *Waste Sluice or bye-wash.*

W. X. *Grating to tail race.*

P. Q. *Grating to head race.*

O. *Fishway.*

Diagram of NAVICATION WEIR.

DIAGRAM

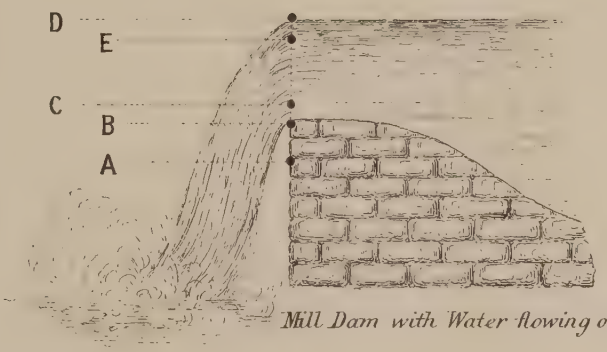
Illustrating effect on supply of

WATER TO MILL WHEEL

By Opening a Fishway in Dam,

HAVING INLET OF 2 FEET SQUARE.

Referred to by Mr. Paterson in his evidence.



Mill Dam with Water flowing over it.

A.—*The height of the ponded water just sufficient to drive the wheel and no more, i. e. the minimum supply for Mill.*

B.—*The height of the crest of the dam.*

C.—*The additional height of say two inches sufficient to compensate for loss of water passing through fishway.*

D.—*The height of winter floods.*

E.—*The reduced level to which the water at the* D *level will fall by fishway being opened and the crest of dam not being at same time raised to* C.

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Evidence in favour of ladders on the pool system; particulars hereon as to the Pentrefellyn ladder erected by Mr. Mostyn Owen, on the Dee, 1798. 1806–1843——Varying circumstances of different weirs, so that it is difficult to say whether any two weirs should be dealt with in precisely the same way, 1844–1857.

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Decided preference of witness for the pool system, as being the best means of facilitating the passage of fish over the weirs; details in illustration of the working of the system, 1951, *et seq.*——Absence of injury to the miller under the pool system, the water not being dealt with till it has passed over the upper lip of the weir, 1951. 1958——Explanation of a plan for boarding or ponding up the water by means of a movable lip to the weir in connection with a ladder going to the sill of the weir; instance of successful working of this plan, 1951–1956.

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Fishery Districts. Defect of the Act of 1861 on the score of salmon fishery districts, *Paterson* 67 ——Creation of fishery districts by the Act of 1865, *ib.* 76, 77——Large area in England and Wales not yet formed into fishery districts, *ib.* 402, 403——Expediency of the whole country being covered by fishery districts, *ib.* 404–408——Total of thirty-five fishery districts in England and Wales, *Buckland* 2521, 2522.

Fishing Weirs. Requirement by the Act of 1861 as to the provision of gaps in existing fishing weirs, *Paterson* 28. 31, 32——Relative injury caused by fishing mill-dams and ordinary mill-dams; importance of fishways in the former as well as in the latter, *ib.* 247–252. 279–281. 284–286——Partial and defective powers of the Commissioners as to inquiry into the legality of fishing mill-dams, *ib.* 247. 279. 290–299——Requirement of a gap in fishing weirs under the general law, *ib.* 435——Requirement of a gap of a certain size in fishing weirs not ponding up the water, *ib.* 556–558 ——Use for the first time of the term "fishing weir" in the Act of 1861, *ib.* 846–848.

Fishways or Ladders:

1. *Suggestion for the Compulsory Provision of Fishways generally.*
2. *Fish-gaps or Ladders hitherto Constructed; their Inefficiency.*
3. *Plan proposed by Mr. Paterson and Professor Rankine.*
4. *Objections to the foregoing Plan.*
5. *Suggestions in Detail by Mr. Buckland.*

1. *Suggestion for the Compulsory Provision of Fishways generally:*

A fishway should in every case be compulsory, unless the salmon can ascend without one, *Paterson* 167. 1169–1174. 1178, 1179 ——Argument that certain words in the Act of Richard the Second were intended to enforce the maintenance in the weirs of a "reasonable opening" for the passage of salmon, *ib.* 476–488.

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Uselessness of the great majority of the fish ladders hitherto constructed; explanation as to the causes thereof, *Paterson* 183–194 ——Application generally of the fish ladder merely to the top of the mill-dam, through fear of injury to the mill supply; consequent insufficiency of water for the passage of the fish, *ib.* 184–187. 191–194——Entire dissent from the view that the formation of fish-gaps is an efficient remedy, *ib.* 287–289.

Further statement as to the ineffective character of the great majority of the fish passes hitherto made, *Paterson* 546–549——Change of witness's former views on the subject of gaps in weirs, *ib.* 574–582.

Particulars relative to the Forsyth ladders hitherto constructed; their inefficiency for the most part, *Buckland* 1795–1806.

3. *Plan proposed by Mr. Paterson and Professor Rankine:*

Suggestion for the construction of fishways by making an inlet in the weir about two feet deep and two feet wide, *Paterson* 182. 195–197. 206——Expediency in the construction of fishways of applying an improved knowledge of the laws of gravitation and of running water, *ib.* 188–190——Calculation in detail showing how for nine months in the year the effect of an inlet two feet square may be counteracted by placing along the crest of the dam a small bar of iron or wood, the thickness or width of the bar varying according to circumstances, *ib.* 200–218.

Statement that under the foregoing plan the inlet would have no effect whatever upon the supply to the mill, on account of the compensating action of the bar, *Paterson* 205–210. 217, 218——Reference to Professor Rankine, of Glasgow, as the engineer on whose authority witness submits the calculations in question: formula by which worked out, *ib.* 210–212.

Plan of fish pass explained by witness in his former evidence further adverted to as obviating the necessity of particular forms of fish ladders, *Paterson* 437, 438 ——Further denial that there need be any interference with the working of the mills, and that any alarm of millers is groundless if the weirs be dealt with as proposed by witness, *ib.* 452–458.

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FISHWAYS OR LADDERS—continued.

3. *Plan proposed by Mr. Paterson and Professor Rankine*—continued.

Examination in further support of the proposal for forming in the weirs an inlet two feet square, and for constructing passes which shall facilitate the ascent of the fish infinitely better than free gaps, *Paterson* 561–588——Belief that the proposed hole or inlet in weirs would not affect their stability, *ib.* 583, 584——Similarity between a proper fishway and a fish ladder, *ib.* 802–804.

Further explanation relative to the mode of construction of the proposed fish ladders, a zigzag channel being desirable in order to check the velocity, *Paterson* 992–996——Belief further expressed that a fishway may be made in nearly all the weirs of the country without in the least interfering with the milling power, *ib.* 1377.

Reduction of the level of the water by making an opening two feet square below the crest of the dam, *Rankine* 1453–1456——Effect of an addition to the height of the dam in neutralising the effect of an opening two feet square, *ib.* 1457–1460——Calculations and explanations in detail in support of the conclusion that by placing a bar along the crest of the dam, varying in size according to circumstances, the elevation obtained will compensate for the flow of water in the dam for the ascent of salmon, *ib.* 1461 *et seq.*; 1627, 1628. 1633–1640.

Limitation of the effect of the bar to periods when there is a surplus flow over the crest of the weir, this being however ordinarily the case, *Rankine* 1461. 1548–1557——Suggestions as to the mode of construction and application of the proposed bar, *ib.* 1495–1504. 1578–1582——Information on the subject of the principle of construction to be applied to fish passes or salmon ladders; concurrence with Mr. Roberts on this subject, *ib.* 1531–1547. 1568–1570——Belief that the opening may be made without injuring or weakening the weir, *ib.* 1631, 1632.

Further expression of the opinion that the arrangements advocated by witness will not cause any diminution in the supply of water for the mills, nor any injury to the milling power, *Rankine* 1653. 1664–1669.

Draft clause proposed by Mr. Paterson on the subject of fishways in all dams or obstructions other than fishing weirs, *App.* 138.

4. *Objections to the foregoing Plan:*

Conclusion adverse to the proposal of Mr. Paterson for cutting a hole in existing weirs; great opposition on the part of millers, as in numerous instances the effect would be most injurious to the weirs, *Buckland* 1844–1857. 1865 *et seq.*——Varying circumstances of different weirs so that no one plan of fishway could be applied to all, *ib.* 1844–1857——Enumeration of weirs to which Mr. Paterson's system could not be applied, *ib.* 1892. 1894. 1903–1905.

Evidence in further disapproval of the system of salmon pass proposed by Mr. Paterson for general adoption; no one system can, in fact, be applied to all weirs, *Buckland* 2404–2408. 2444–2446——Advantages of the several plans of salmon ladders proposed by witness, as compared with the plan of making a hole in the body of the weir; large injury apprehended in the latter case, *ib.* 2444–2450. 2458–2464——Deficiencies of Mr. Paterson's plan further adverted to; witness has not heard of the successful operation of the plan in Ireland, *ib.* 2600, 2601. 2628–2632.

5. *Suggestions in Detail by Mr. Buckland:*

Witness submits sundry suggestions relative to the construction of salmon ladders, the chief points being that the velocity of the current should not be too great, and that there should be neither too little nor too much water, *Buckland* 1776 *et seq.*——Importance of placing the ladder in the predominant current of the stream, *ib,* 1780, 1781, 1787, 1788——Evidence in favour of ladders on the pool system; particulars hereon as to the Pentrefellyn ladder erected by Mr. Mostyn Owen on the Dee, *ib.* 1798. 1806–1843. 1951 *et seq.*——Facility to the ascent of the fish by placing baulks of timber diagonally across the weirs; instances of the success of this plan, *ib.* 2012–2018.

Summary of suggestions on the subject of salmon ladders, *Buckland* 2031——Frequent usefulness of trees, stones, and rocks in making ladders, *ib.*——Facility of making concrete blocks out of the river gravel for the purpose of ladders, *ib.*——The wider, deeper, and rougher the ladder, the better, *ib.*——The foot of the ladder should be in the place where the fish naturally congregate, *ib.*——The water running down the ladder should, if possible, be made to be the natural predominating current, *ib.*

Further details relative to the advantages of fish ladders on the pool system, *Buckland* 2031. 2465–2470. 2475, 2476——Considerations as to the ability of salmon, under varying circumstances, to surmount weirs or fishways, *ib.* 2579–2590.

See also *Arbitration. Boards of Conservators. Clitheroe Weir. Compensation. Cost of Fishways. Engineer (Special Commission). Fishing Weirs. Flood Guards. Forsyth Ladders. Gradient. Millers. Valves. Weirs or Mill Dams.*

Fixed

Fixed Engines. Prohibition, to some extent, of fixed engines by the Act of 1861, *Paterson* 27——Constant difficulties under the Act of 1861 on the subject of fixed engines, these having been saved from the operation of the Act in certain cases; consequent uncertainty as to legal proceedings, *ib.* 68-73——Adoption in the Act of 1865 of the recommendation for the appointment of Special Commissioners for deciding all questions relating to fixed engines, *ib.* 74-77. 97——Power of the Special Commissioners to grant a certificate where any fixed engine is declared by them to be legal, and to order immediate removal when declared illegal, *ib.* 97——Local inquiry held by the Commissioners before deciding whether a fixed engine is legal or illegal, there being an appeal from their decision, *ib.* 99-102.

Illegality, as a general rule, of fixed engines in tidal parts of a river or the sea, unless ancient right can be proved, *Paterson* 101. 126-129——Total of 351 cases dealt with by the Commissioners; reversal of the decision in only two of these cases, *ib.* 104-112——Suggestion that fixed engines belonging to the Crown be brought under the jurisdiction of the Commissioners, *ib.* 120-124——Circulation by the Commissioners upon their appointment, of a certain blank form on the subject of fixed engines, &c., *ib.* 1221-1224.

See also *Appeal. Litigation. Nets. Solway, The. Special Commissioners.*

Fleet Weir (*River Irme*). Statement that this is a fishing weir, and that the gap in it is required under the general law, *Paterson* 434, 435. 559, 560.

Flood Guards. Advantage if flood guards were applied to many of the ladders, *Buckland* 1793, 1794. 1805——The head of the ladder should have a flood guard affixed to regulate the force of the descending water, *ib.* 2031.

Floods. Statement in regard to floods not being increased by the plan of a fishway in connection with a bar along the top of the weir, *Paterson* 1149-1155——Inappreciable effect of the proposed bar along the crest of the weir as regards the flooding of the upper lands, *Rankine* 1627-1630——Means of protecting the upper riparian owners against floods in cases where moveable boards are put on weirs, *Buckland* 2519, 2520.

Forsyth Ladders. Ineffective character of the great majority of the Forsyth ladders in England and Wales, *Buckland* 1795-1804——There are forty-three non-effective Forsyth ladders, many of them built at very great expense, *ib.* 1798——Several modes of improving the Forsyth ladders, *ib.* 1798. 1805, 1806. 1843——Advantage of applying the pool system where the Forsyth ladders exist, *ib.* 1963.

France. Provision in the French law for the construction of fish-ladders by the State, subject to compensation for interference with private rights, *Buckland* 2080, 2081——Consideration of certain provisions in the French law on the subject of salmon fisheries; short close time in force, salmon, however, not being plentiful, *ib.* 2546-2564.

G.

Galway Weir. Original construction of the mill-dam at Galway, with a view to a fishway, *Paterson* 1175-1177.

Garnett v. *Buckhouse.* See *Clitheroe Weir.*

Gloucester. Great pollution of the river at Gloucester from the town sewage, *Buckland* 1691.

Gradient (*Salmon Ladders*). Advantage of the slope not being greater than one in seven or one in eight, *Buckland* 1783——The more gentle the gradient of the ladder the better, *ib.* 2031.

Gratings (*Mill Races, &c.*):

Compulsory provision in the Act of 1861 as to the erection of gratings in certain cases, *Paterson* 62——This was the only duty cast on the inspectors by the Act, in addition to the duty of reporting, *ib.* 62. 629-636——Grounds for the conclusion that it should be imperative to place a grating at the head of the upper mill-race, and at the bottom of the tail-race, *ib.* 385-395.

Further statement in favour of the compulsory erection of grating upon all inlets and outlets of water connected with mills, such grating to be kept clear at the miller's expense, *Paterson* 894-897——Facility generally of widening mill-races, if gratings prove an injurious check to the water-flow, *ib.* 954, 955——Further reference to the proposed grating at the head of the mill-race; propriety of the expense of keeping it clear falling upon the miller, *ib.* 1135-1142.

Suggestions relative to the application of gratings to mill-races and the form of construction of such gratings, it being easy to compensate for the obstruction to the water by widening the mill-race, *Rankine* 1521-1530. 1615-1620. 1624-1626.

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Gratings (*Mill Races, &c.*)—continued.

Evidence as to the great importance of compulsory regulations for the provision of gratings at mill-leads, both at the head-race and tail-race, *Bucklaud* 2033–2071——Suggestions relative to the mode of construction of gratings, *ib.* 2040–2044. 2051–2056——Illustration of the importance of preventing kelts going down the mill-leat, *ib.* 2045–2047——Reference to a certain clause in the Irish Fishery Act of this year on the subject of the use of gratings, *ib.* 2057, 2058.

All artificial communications should have gratings, *Buckland* 2036, 2037. 2099——Unanimity of boards of conservators on the subject of gratings, *ib.* 2059, 2060——The upper grating should be in from January to June, and the lower grating from June to December, *ib.* 2061.

Explanation relative to the bye-laws in Scotland on the subject of gratings; expediency of similar regulations in England and Wales, *Buckland* 2063–2071——Further reference to the Irish Act of the present Session and to the provisions therein on the subject of gratings, *ib.* 2113–2116——Further suggestions relative to the use of gratings at mill-races, *ib.* 2499–2561.

H.

Haaf Nets. Peculiar kind of fishing in the Kebble, termed "haaf net" fishing, *Buckland* 1686.

Habits of Salmon. Importance of legislating with direct reference to the peculiar habits of salmon, and to the difficulties and dangers encountered by them in the estuaries and when ascending the rivers, *Buckland* 1678.

Hang Nets. Approval of power under Act to restrict the use of hang nets, *Paterson* 361–366——Practice of "hang net" fishing in the Tyne and Tees, clean and unclean fish being alike destroyed thereby, *ib.* 1687–1691.

Hatchways (*Mill Leats*). Suggestions for utilising the hatchways in mill leats as a means of facilitating the ascent of the fish, *Buckland* 2018, 2019.

Haverfordwest Weir. Improvement applied to the weir at Haverfordwest, *Buckland* 2473.

Height of Dams. Great variation in the height of dams, *Paterson* 677——Objection to impediments which require salmon to jump more than three or four feet high, *ib.* 678, 679. 805–807——Legality of raising the crest of any weir, if no injury be inflicted, *ib.* 821.

Further expression of the opinion that existing covenants would not be infringed by slightly raising the height of weirs, so long as the level of the water was not raised nor the floodage increased, *Paterson* 957–962.

Absence of necessity for a fish-pass when a weir is only three feet high, *Buckland* 2471, 2472.

Home Office. Explanation as to the powers and duties vested in the Home Office under the Act of 1861, *Paterson* 37–44. 61–63——Respect in which a certain return of fish-passes approved by the Home Office is incorrect, *ib.* 434, 435. 559, 560——Power of the miller or anyone else to knock down a fish pass not approved by the Home Office, *ib.* 436——Total of only four applications to the Home Office in the last four years in respect of fish passes attached by consent to existing dams, *ib.* 680.

Little, if any, notice taken of certain communication from witness to the Home Office on the subject of the amendment of the Fishery Laws, *Paterson* 1040–1047; *App* 131–137.

Examination as to the grounds for witness's statement that his recommendations to the Home Office were almost entirely ignored, *Paterson* 1059–1114. 1210.

Letter from the Home Office to Mr. Paterson in December 1868 inviting the co-operation of the Special Commissioners with reference to the amendment of the Fishery Laws, *Walpole* 2109–2112.

Communications from the Home Office to Mr. Paterson on the subject of the amendment of the Acts of 1861 and 1865, *App.* 132. 137.

See also *Bye-Laws. Close Time.*

I.

Inquiry (*Legality of Weirs*). Expediency of power in the Special Commissioners to inquire into the legality of weirs or dams, and to order the formation of efficient fishways, *Paterson* 245–283——Conclusion that the number of cases of mill-dams to be inquired into is not so large as to render the task very difficult or impracticable, *ib.* 263–273.

Evidence in further support of the proposition that the obstruction caused by the weirs should be inquired into by the Commissioners, rather than by the ordinary courts as at present constituted, *Paterson* 498–509——Contemplated payment by millers of the expense of inquiries in cases where they seek to establish a claim to a weir under certain circumstances, *ib.* 693, 694.

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Doubt as to an inquiry into all existing weirs occupying more time than that required for the inquiries now vested in the Commissioners, *Paterson* 1049–1052——Conditions neeessary in order that the Commissioners could exercise a power of inquiry into existing mill-dams; numerous cases in which no inquiry need or could take place, *ib.* 1344–1348——Importance of ascertaining the rights, and fixing them for ever, as by means of the certificate given by the Commisssioners, *ib.* 1391–1395.

Explanation as regards the former views of witness in favour of the Special Commissioners inquiring into all dams, that he was not then aware that the dams were legal, *Buckland* 2370–2381——Expediency of the adoption of practical means for enabling salmon to ascend the weirs, rather than of legal inquiries and disputes relative to the legality of weirs, *ib.* 2423–2430.

Draft clause proposed by Mr. Paterson on the subject of inquiry into the legality of dams, *App.* 138.

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Inspectors of Fisheries. Power of the Home Office under the Act of 1861, as to the appointment of inspectors, *Paterson* 44——Statement as to the Act of 1861 having merely conferred upon the inspectors certain duties relative to gratings, *ib.* 62——Explanation as to the duty of inquiry and report devolving upon the inspectors under the Act of 1861, *ib.* 629–636.

Duties of the inspectors adverted to; absence of any power to require the removal of weirs or dams even though considered illegal, *Buckland* 2431–2442——Duties of the inspectors further adverted to; salary of 700*l.* a year received by witness, *ib.* 2642–2627.

Ireland. Practice in Ireland as to the making of bye-laws by the Commissioners, subject to appeal and to the sanction of the Lord Lieutenant; approval of a similar system in this country, *Paterson* 333, 334. 342–348.

Itchen River. Very bad weir on the Itchen above Southampton, *Buckland* 1715.

J.

Juries. Question whether juries might not be called upon to decide questions of fact arising before the Commissioners, *Paterson* 878–884.

L.

Ladders. See *Fishways or Ladders.*

Legal Advice. Legal advice given by the Special Commissioners to the public on doubtful matters generally, *Paterson* 98.

Legal Proceedings. Obstacle to individual fishermen raising actions against millers in the ordinary courts, *Paterson* 826–828. 1349, 1350.

Legislation. Necessity of additional legislation in the interests of the public, and for the protection of the owners of fisheries, *Paterson* 668–673——Difficulty as to riparian owners or the public protecting themselves against weirs, it being expedient for the Legislature to interfere, *ib.* 826–828. 1349, 1350.——*See* also *Home Office.*

License Duties. Want of provision for assessing the owners of fisheries, the license duties in some districts not providing any adequate fund for procection purposes; modes in which the required assessment might be carried out by the Board of Conservators, *Paterson* 78–92——Doubt as to alteration being required in the present system of granting licenses, *ib.* 93–96——Different licenses required for fishing in different districts in England, *ib.* 1124, 1125. 1143.

Evidence to the effect that there should be a graduated scale of licence duties, the Boards of Conservators being empowered to make bye-laws in the matter, *Buckland* 2194–2206——Suggestion that the license be modified in the case of persons who pay rent for fisheries, *ib.* 2207——Statement in favour of the license for the use of nets being a personal license, and being confined to the district for which granted, *ib.* 2219–2226.

See also *Rod Fishing.*

Litigation. Probability of a large amount of complicated and expensive litigation in respect of fixed engines, but for the action of the Special Commissioners, *Paterson* 100——Limited amount of expense or litigation under the present system of inquiry, *ib.* 1351–1354.

Question as to the ground for witness's conclusion that much litigation had arisen out of the Commissioners' inquiries, *Buckland* 2389–2394.

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M.

Male Salmon. Large excess in the number of male fish, *Buckland* 2306——Advantage of anglers being permitted to kill some of the superfluous cock salmon; pugnacity of these adverted to, *ib.* 2306-2309.

Management of Fisheries. Belief that it would conduce to economy and efficiency if the salmon fisheries in England, Ireland, and Scotland were placed under the same management, *Paterson* 424-427.

Mill-Dams. See *Weirs or Mill-Dams.*

Mill-Ponds. Belief as to their being no prohibition with regard to fishing in mill-ponds, *Paterson* 681.

Mill Wheels. Large destruction of young fish by mill wheels, *Buckland* 2040.——See also *Gratings.*

Millers. Absence of interference with millers in the vast majority of cases by the construction of fishways, *Paterson* 167——Belief of millers generally that a hole two feet deep in the crest of their dam would be ruin to them, *ib.* 198-200——Grounds for the conclusion that the system proposed by witness would not reduce the level of the water, nor affect the supply to the mills, *Paterson* 200 *et seq.*; *Rankine* 1457 *et seq.*

Expediency of the miller having the chief voice in the mode of construction of the fish pass, subject to its subsequent efficiency, *Paterson* 890-893——Objection to any obligation upon the miller in regard to the mode of construction of the weir, so long as a proper fishway is provided, *ib.* 1169-1174.

Advantage of personal and conciliatory communication with the millers, *Buckland* 2031, 2032——Further statement that arrangements may best be affected by meeting the miller in a friendly manner, *ib.* 2395. 2531, 2532——Belief that generally efficient plans may be applied without injury to the millers, and without opposition on their part, *ib.* 2496-2498.

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Motive Power (*Mills*). Absence of alteration in the motive power so long as the water remains at the same level, the power being lessened or increased accordingly as the level of the water falls or rises, *Rankine* 1443-1452.

Moveable Lip to Weirs. Explanation of a plan for boarding or ponding up the water by means of a moveable lip to the weirs in connection with a ladder going to the sill of the weir; instance of the successful working of this plan, *Buckland* 1951-1956.

N.

Natural Obstacles. Advantage of some power in Boards of Conservators for dealing with natural obstacles in rivers to the ascent of the salmon, *Paterson* 1144-1147——Difficulty in certain cases where there are natural obstacles to the passage of the fish, *Buckland* 2528-2530.

Navigation Weirs. Explanation on the subject of navigation weirs, as having the same injurious effect as mill-dams upon the passage of the fish, *Paterson* 160, 161——Exclusion of any claim for compensation through injury from navigation weirs; confiscation involved therein, *ib.* 162-165.

Argument in strong disapproval of the erection of navigation dams by legislative authority without admitting any claim to compensation for injury to the fisheries, *Paterson* 167——Case of Brand *v.* The Hammersmith Railway Company adverted to in support of the conclusion that compensation should follow any individual injury done by a navigation weir as well as by a railway, *ib.*——Recommendation that it be compulsory on the owners of navigation weirs to provide a fishway, *ib.*——Absence of injury by a fishway to the efficiency of the weir for navigation purposes, *ib.*

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Advantage of power in Boards of Conservators to restrict the size and length of nets, and the mode of using them, *Paterson* 354-371. 943-946——Approval of labels being attached to licensed nets, *ib.* 368——Advantage of the use of nets being a matter for bye-laws, *ib.* 657——Approval generally of the present size of the mesh of nets, *ib.* 976-978.

Unjust interference, also, with the rights of riparian owners where nets are extended so far across estuaries as to prove obstructive, or where their use is carried to an undue excess, *Paterson* 1015-1019——Nature of the restrictions which might be adopted as a check

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check upon excessive net fishing, an extension of the weekly close time being an effectual remedy, *Paterson* 1020–1029. 1027–1039——Further statement as to the means of correcting abuse through the excessive use of nets in estuaries and rivers, *ib.* 1115–1123 ——Remedy in certain cases by requiring a certain interval between each shot of the nets, *ib.* 1119–1121——Absence of inquiry by the Commissioners as to the size or position of nets, *ib.* 1192–1194.

Want of power to make bye-laws on the subject of nets, &c., *Buckland* 2094–2108 ——Evidence in support of the proposed power in Boards of Conservators to make bye-laws regulating the size and length of the nets and the size of the meshes, *ib.* 2117 *et seq.* ——Use of fifteen different kinds of nets, *ib.* 2119. 2122–2124——Proposed maximum and minimum size to be laid down by Act, *ib.* 2126–2139. 2155–2157.

Approval of permission for the use of nets with small meshes at certain times of the year, and in certain rivers in South Wales more especially, *Buckland* 2143–2150—— Restrictions necessary as regards the use of trammel nets and the practice of fishing with nets close together, *ib.* 2158–2193——No net should be allowed to be put into the water within a specified distance of another, *ib.* 2192——Restrictions required as regards the use of nets in estuaries for sparlings and other fish, these nets being very destructive to the young salmon, *ib.* 2232–2234.

Statement with further reference to the size of the meshes of the nets; action of the Ribble Conservators in this matter, *Buckland* 2602–2610.

See also *Fixed Engines.*

Night Poaching. Advantage if there were power to arrest night poachers, *Buckland* 2345–2347.

Non-navigable Rivers. Provisions of the Acts 4 & 5 Anne and 13 Edward 1, on the subject of weirs in non-navigable rivers, *Paterson* 536–539.

Norway. Efficient plan adopted on rivers in Norway for enabling the fish to surmount natural precipices, *Buckland* 2031.

O.

Obelisk Lake (*Windsor Park*). Successful plan adopted by Mr. Menzies for enabling trout to surmount the weir at the top of the Obelisk Lake in Windsor Park; series of boxes used in this case, *Buckland* 2022–2028.

Ovington Lock (*River Tees*). Decision of the Special Commissioners that Ovington Lock or fishing weir must be abandoned, *Paterson* 1261–1263.

Owen, Mostyn. Views of Mr. Mostyn Owen as to the restrictions desirable in the case of nets, *Buckland* 2176–2179——Strong views of Mr. Owen on the subject of an extension of the weekly close time, *ib.* 2323, 2324.

P.

Paterson, James. (Analysis of his Evidence.)—Barrister-at-law; is one of the Special Commissioners for English fisheries, and has paid considerable attention to the subject of the English fishery laws, 1–5——Long series of statutes relating to salmon fisheries, commencing from Magna Charta; failure of the old laws as providing no organization, 6–8——Conclusion that the obstructions caused by the weirs to the passage of the fish are the chief obstacle to the restoration of salmon fisheries, 9–12.

Inquiry by the Royal Commission of 1860 adverted to, with reference to the principal evils then discovered, 13–15——Statements before the Royal Commission as to the uncertainty of the existing law, 16, 17——Passing of the Salmon Fisheries Amendment Act of 1861, as a result of the Commission, 18, 19——Several good points of the Act of 1861, such as the regulations as to close time, as to gaps in future weirs, &c., 20–33—— Important defect of the Act in not providing for openings in existing weirs; inadequacy of the powers of the Home Office in this respect under the Act, 34–43.

Explanation as to the powers and duties vested in the Home Office under the Act of 1861; 37–44. 61–63——Exceedingly important effect of the Act of 1861 in the repeal of existing general statutes, and of certain private Acts; several respects in which such repeal is calculated to operate very injuriously, 45–60——Omission in the Act of 1861 to continue the protection afforded to riparian owners and others by previous Acts repealed in 1861; 52–60——Danger of certain injurious practices becoming legal under the Act of 1861 which were before illegal, 56, 57——Compulsory provision in 1861 as to the erection of gratings in certain cases; this was the only duty cast on the Inspectors by the Act, 62.

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Weirs or Mill-Dams:

1. *As to the Legal Right to Mill-Dams.*
2. *As to the Obstruction caused to the Passage of the Fish.*
3. *As to the Prohibition of Fishing in the Vicinity of Weirs.*

1. *As to the Legal Right to Mill-Dams:*

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TO THE

REPORT

FROM THE

SELECT COMMITTEE

ON

SALMON FISHERIES.

Ordered, by The House of Commons, *to be Printed,*
27 *July* 1869.

361—II.

Under 4 *oz.*

REPORT

FROM THE

SELECT COMMITTEE

ON

WITNESSES (HOUSE OF COMMONS);

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
8 *July* 1869.

Tuesday, 11*th May* 1869.

Ordered, That a Select Committee be appointed to inquire into the expediency of adopting any further measures for the examination of Witnesses upon Oath by this House, and by its Committees.

Tuesday, 8*th June* 1869.

Select Committee nominated of—

Mr. Disraeli.
The Lord Advocate.
Mr. Henley.
Mr. Attorney General for Ireland.
Mr. Walpole.
Mr. Bouverie.
Mr. Gathorne Hardy.
Mr. Serjeant Kinglake.
Colonel Wilson Patten.
Mr. Bonham-Carter.
Mr. Howes.
Sir John Esmonde.
Mr. Torrens.

Ordered, That the Committee have power to send for Persons, Papers, and Records.

Ordered, That Five be the Quorum of the Committee.

Tuesday, 22*nd June* 1869.

Witnesses (House of Commons) Bill,—read a second time, and committed to the Select Committee on Witnesses (House of Commons.)

Wednesday, 23*rd June* 1869.

Message from the Lords, giving leave to the Viscount Eversley to attend and give evidence before the Select Committee on Witnesses (House of Commons).

Thursday, 8*th July* 1869.

Ordered, That the Committee have power to report their Observations, together with the Minutes of Evidence taken before them, to The House.

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REPORT.

THE SELECT COMMITTEE appointed to inquire and report, whether any further Provision should be made for the EXAMINATION of WITNESSES on OATH before the HOUSE of COMMONS; and to whom the WITNESSES (HOUSE OF COMMONS) BILL was committed;—HAVE considered the matters to them referred, and have agreed to the following REPORT:

1. YOUR COMMITTEE have caused search to be made into the history of the practice now existing, with regard to the manner in which evidence is taken at the Bar of the House, as well as before Committees.

2. As far back as can be traced by the broken light of imperfect records, it would appear that the House of Lords having to exercise judicial as well as legislative functions, have always adopted the practice with regard to both, of relying upon sworn testimony; so habitual and unvarying indeed has been this practice, that oaths were administered until within a very recent period by the other House, to persons called upon to give evidence before Committees on matters of opinion, as well as on matters of fact. This practice has, since the 21st & 22nd Vict. cap. 78, been modified; and, except in the case of Private Bills, it is only where the truth of facts is to be ascertained that an Order is now made by the House of Lords, authorising witnesses to be sworn. Your Committee are of opinion that this distinction points to the nature of the rule that might, with most advantage, be followed, in taking evidence by the Commons House of Parliament.

3. Although, from the earliest times, the House of Commons has asserted its claim to be a court of record, no distinct traces can be found, prior to the reign of James the First, of the manner in which it required the testimony of witnesses to be given, when called before it.

4. Your Committee refer to the evidence of Sir Thomas Erskine May for a very exhaustive account of the proceedings of the House of Commons on this subject. During the 17th century, towards the end of this period, the entries in the Journals seem to indicate that it was customary to order witnesses to be sworn before one of the judges, or before a magistrate of Middlesex or Westminster. This practice continued until the year 1757, when it was laid aside; and since then it has not been resorted to.

5. Meanwhile Bills of Pains and Penalties having become of rare occurrence, it was chiefly with reference to controverted elections that the House was called upon to take evidence. In 1770 authority to administer oaths was given by the statute, commonly called the Grenville Act, to Committees appointed to try the validity of disputed elections; and in all the subsequent changes that have been made by statute in the constitution of that Parliamentary tribunal, the power in question has been retained.

6. Of recent years, the great increase that has taken place in the private and local business of the House, and the magnitude of the interests affected thereby, has led to the application of many forms of procedure by Committees founded on the experience of the courts of law, more especially as regards the nature and admissibility of evidence. By the 21 & 22 Vict. c. 78, Committees on Private Bills were empowered to examine witnesses on oath in the same manner as Committees of the House of Lords. That Act was passed without objection in both Houses, in the hope and for the purpose of diminishing the expense of Parliamentary litigation. How far its immediate object has been attained your Committee are unable to say, but its provisions have established a rule, with regard to testimony in matters of disputed fact, from which they have reason to believe that there is no disposition to depart.

7. The Jurisdiction of the House in controverted elections, and, for the most part, in cases of divorce, has been by statutes devolved upon the courts of law. There still remain, however, a variety of questions of the greatest moment on which the House of Commons may be called upon to pronounce judgment; the consequences of which may involve property, character, privilege, and personal liberty. A corporation which is said to have misused its franchises and possessions may claim to be heard by witnesses in its defence at the bar. An address to the Crown for the removal of a judge for misconduct could hardly be adopted without due inquiry in the most solemn manner into his guilt or innocence. Should a Member of the House be accused of unworthy or dishonourable acts, the truth of the allegations must be judicially investigated, either by a Select Committee or a Committee of the whole House. In all these, as well as in a variety of other instances, it seems natural that evidence should be taken in the most solemn manner.

8. Your Committee have had the advantage of learning from Mr. Speaker the opinion entertained by him of the want that now exists of the power to examine witnesses on oath, and of the expediency of seeking to obtain it by statute. In his judgment "the power of examining witnesses on oath is one which the House ought to possess," and procedure by Bill would be the proper course to take for obtaining it. It does not appear to him "that any mischief could arise from the possession of that power by the House of Commons."

9. Your Committee have likewise had the opportunity of examining Viscount Eversley, who for many years filled the chair, and whose experience has led him to form in every respect a similar conclusion. Having frequently seen the inconvenience of the House of Commons not having the power, it has been to him a matter of "wonder that they have never made an attempt before to pass a Bill with the object of enabling them to examine witnesses on oath. In all cases where punishment would follow inquiry, that inquiry ought to be upon oath." The Bill should empower the House of Commons, and also Committees of the House of Commons, to examine witnesses on oath; and in his opinion, "it should be left to the future discretion of the House of Commons to judge how far that power should be exercised."

10. To these high authorities your Committee are enabled to add the opinion of the Clerk Assistant of the House, Sir Thomas Erskine May, to whose evidence they beg to refer for the elucidation of whatever has been preserved in the history of Parliament on the subject. "Looking at the precedents and practice of the House, he considers it would be advisable that a change should be made, and that the present powers which the House of Commons enjoys under

under statute should be extended to other cases which are not at present comprehended in the statute law."

11. In conclusion, your Committee have only to express their coincidence in the views which will be found embodied in the evidence which it is their duty to report to the House; and their recommendation that provision should be made by Act of Parliament for conferring on the House of Commons the power of examining witnesses on oath, and that the said power be further extended to Select Committees whenever the House in its judgment shall deem fit.

12. A Bill, introduced by Sir John Esmonde, has been read a second time, and referred to your Committee, and has been by them duly taken into consideration. Its provisions would substantially carry into effect these recommendations; but until this Report has been read and considered by the House, your Committee do not think it expedient to go into the clauses of this Bill; they therefore report it, without Amendment, to the House.

REPORT

ON THE WITNESSES (HOUSE OF COMMONS) BILL.

THE SELECT COMMITTEE to whom the WITNESSES (HOUSE OF COMMONS) BILL was referred, have agreed to report the same without Amendment.

PROCEEDINGS OF THE COMMITTEE.

Monday, 14*th June* 1868.

MEMBERS PRESENT:

Mr. Henley.	Mr. Disraeli.
Mr. Bonham-Carter.	Mr. M'Cullagh Torrens.
Mr. Bouverie.	Colonel Wilson Patten.

Mr. M'Cullagh Torrens was called to the Chair.

The Committee deliberated.

[Adjourned till Monday next, at One o'clock.

Monday, 21*st June* 1869.

MEMBERS PRESENT:

Mr. M'Cullagh Torrens in the Chair.

Mr. Disraeli.	Mr. Bouverie.
Mr. Walpole.	Mr. Hardy.
Mr. Serjeant Kinglake.	The Lord Advocate.
Mr. Henley.	Mr. Attorney General for Ireland.
Mr. Howes	Colonel Wilson Patten.
Mr. Bonham-Carter.	Sir J. Esmonde.

Sir *Thomas Erskine May*, Clerk Assistant, examined.

Colonel *Wilson Patten* (a Member of the Committee) examined.

[Adjourned till Thursday next, at One o'clock.

Thursday, 24*th June* 1869.

MEMBERS PRESENT:

Mr. M'Cullagh Torrens in the Chair.

Mr. Disraeli.	Colonel Wilson Patten.
Mr. Serjeant Kinglake.	Mr. Walpole.
Mr. Hardy.	The Lord Advocate.
Mr. Bouverie.	Mr. Bonham-Carter.
Mr. Attorney General for Ireland.	Mr. Henley.
Sir J. Esmonde.	

Mr. *Speaker* examined.

The Viscount *Eversley* (attending by permission of the House of Lords) examined.

[Adjourned till Thursday, 8th July, at One o'clock.

Thursday, 8th July 1869.

MEMBERS PRESENT:

Mr. M'CULLAGH TORRENS in the Chair.

Mr. Disraeli.	The Lord Advocate.
Sir John Esmonde.	Colonel Wilson Patten.
Mr. Bouverie.	Mr. Attorney General for Ireland.
Mr. Howes.	Mr. Henley.

The Committee deliberated.

Draft Report proposed by the Chairman, read the first time.

Draft Report proposed by the Chairman, read a second time—several Amendments made.—Question, "That this Report, as amended, be the Report of the Committee to the House,"—put, and *agreed to.*

Witnesses (House of Commons) Bill to be reported, without Amendment.

Ordered, To Report, together with the Minutes of Evidence.

LIST OF WITNESSES.

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Monday, 21*st June* 1869.

MEMBERS PRESENT:

The Lord Advocate.
The Attorney General for Ireland.
Mr. Bonham-Carter.
Mr. Bouverie.
Mr. Disraeli.
Sir John Esmonde.
Mr. Gathorne Hardy.
Mr. Henley.
Mr. Howes.
Mr. Serjeant Kinglake.
Colonel Wilson Patten.
Mr. Torrens.
Mr. Walpole.

W. T. M'CULLAGH TORRENS, Esq., IN THE CHAIR.

Sir *Thomas Erskine May*, K.C.B., called in; and Examined.

Sir *T. Erskine May*, K.C.B.
21 June 1869.

1. *Chairman.*] You have been for many years Clerk Assistant to the House of Commons?—Yes, since the year 1855.

2. Your attention has been particularly directed to Parliamentary law, on which you have written, as we all know?—Yes.

3. Will you be good enough to refer to the printed copy of precedents taken from Hatsell's book on the subject of the power of the House of Commons to administer oaths to witnesses?—Yes; I have it before me.

4. I believe that the first relevant entry in the Journals of the House is in 1609, and the last in 1757?—Yes.

5. Will you be good enough to say whether the precedents there collected appear to you to conclude the question with regard to the power of the House to administer oaths, or whether you have anything to add to those precedents?—I think it is quite incontestable that there are neither authorities, nor precedents to support any claim on the part of the House of Commons, by its own inherent right, to administer oaths at the present time: such a power can only be given by statute.

6. Then looking to those precedents, and at the practice of the House, do you think it desirable that any change should be made in the mode of conducting the business of the House in that respect?—Yes, I think it would be advisable, if the Committee thought fit to recommend it, that the present powers which the House of Commons enjoys, under statute, should be extended to other cases which are not at present comprehended in the statute law.

7. You mean the powers conferred by statute with regard to the administration of oaths by certain Committees?—Yes.

8. Would you recommend a recurrence to what appears to have been the practice at one time, that is to say, calling on those magistrates who are members of the House to administer oaths, or asking one of the judges to attend for that purpose?—Most assuredly not; those expedients have been abandoned for upwards of a century; and no one I think would recommend the revival of expedients which are in themselves objectionable.

9. *The Lord Advocate.*] You have stated your opinion that the House cannot, from its own inherent right, administer oaths; will you state to the Committee, somewhat in detail, the grounds on which that opinion is formed?—I find no precedents, except some, to which I will advert presently, in which the

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House has exercised any such right; and I find no authority which would warrant the House in claiming the right. I consider also that any such claims, which in past periods of our history may have been advanced, have since been abandoned by the House itself; and on those grounds I conceive that no such claims could now be revived.

10. Will you be good enough to account to the Committee for the House of Commons not having that privilege which the House of Lords possesses? —In the absence of any distinct record upon that question, we are obliged, in some measure, to satisfy ourselves with conjectures, but my view of the case may be stated in very few words. I think it is clear that the power of administering oaths was originally incident to the High Court of Parliament, as the highest court of the realm, and that that power was possessed not only by the entire court, but, I believe, also by the several component parts of that court. But when the separation of the two Houses took place, the House of Lords retained and continued to exercise their powers of judicature, and naturally, therefore, administered oaths. They also extended, and I think properly extended, to their legislative proceedings, the same powers which they possessed as the High Court of Parliament. Their sittings were comparatively continuous, both in their judicial and other proceedings; they were in close alliance with the Crown and with the executive Government, and their authority was altogether, at that time, superior to that of the House of Commons. In the meantime the House of Commons held, for a long period, a subordinate position in the State. That House claimed its own right of originating grants to the Crown; and, in time, it also asserted its right to exclusive jurisdiction in matters of elections and in the adjudication of questions affecting its own privileges; but those assertions were very gradually made, and the Commons did not determine exclusively questions relating to the election of their own Members until the reign of Queen Elizabeth. Before that time, as the writs were issued from the Court of Chancery, so most of the questions arising on the return of those writs, were also determined in the Court of Chancery; and it was not till the reign of that Queen, when the House of Commons became more powerful, that it asserted and continued to maintain exclusive jurisdiction in matters of elections. Though the House did generally maintain its right of vindicating its privileges, when there was any contempt, yet, in some important matters, such as releasing a Member when unlawfully arrested, the House was accustomed to refer to the Court of Chancery, which released him by a writ of privilege. During the whole of such a period as this, it is obvious that the House of Commons could not have had many opportunities of examining witnesses. Occasionally there was a Bill of Attainder, or some other similar proceeding; but ordinarily its proceedings were merely concerned in voting supplies and representing grievances to the Crown. As is well known, down to the reign of Henry the Sixth, the Commons, themselves a representative body, appeared as petitioners, rather than as a co-ordinate branch of the Legislature. So that we can well conjecture how it was that an important judicial authority, such as that of administering oaths was not asserted, and not practised.

11. Will you be good enough to describe to the Committee the earlier precedents on this matter, when the question first began to be discussed, and the course which it ran? —Perhaps the Committee will allow me to add, that the House of Commons, although it appears never to have administered oaths (at all events no record is to be found of the administration of oaths), it frequently asserted its right to be a court of record, and did exercise some of the powers of a court of record. One of the most material powers of a court of record is the right to imprison, which the House of Commons has exercised from the earliest times; and it also assumed the right to impose fines. The House has continued to exercise the power of imprisonment without question, but for two centuries or more it has abandoned the right to impose fines; yet the power of administering oaths, which one would have thought less important than either of these, appears never to have been exercised.

12. Is it your opinion that this House has a good claim to be considered a court of record?—I think, assuredly, that at the time of the separation of the two Houses, or within a reasonable time afterwards, that right might have been maintained. I consider that the House of Commons was quite as much entitled to exercise all the powers of the High Court of Parliament, as the Courts of King's Bench and Common Pleas and the Court of Exchequer were entitled to exercise

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exercise the authority of the original *Aula Regis*, which had been the High Court from which they sprang. Those courts had different jurisdictions, but they all exercised the same powers, and continued to be courts of record; they fined, imprisoned, and examined witnesses on oath; and just in the same way, and upon the same legal principle, every proceeding in Parliament, whether in the House of Lords, or in the House of Commons, might have been conducted with all the proper incidents of the High Court of Parliament, had the House of Commons claimed the right.

13. It is then by disuse, or rather by not claiming the right, that the House of Commons lost it?—It is a well established rule of Parliamentary law that neither House of Parliament has power to claim any new privilege. Both Houses have maintained that doctrine, on account of their jealousy of one another; and therefore it must be taken as settled, that when the House of Commons has failed to claim or exercise a particular privilege, it cannot now be claimed or revived.

14. Then with regard to the earlier precedents, will you explain to the Committee how they varied in this matter?—The first notice of the question whether the House of Commons had the power of administering oaths or not was in 1609, as recorded in Hatsell. That was a period at which the exclusive jurisdiction of the House of Commons, in matters of elections, had been completely established. There were several eminent lawyers in Parliament at that time, and the whole of its judicature in matters of elections was very carefully conducted. In 1609, in a contested election for Bridgnorth, it was doubted whether the House of Commons had the power of administering oaths, and the Committee for Privileges reported "that there is a difference of opinion among them on this question," and therefore, on the 14th, it is left to be debated in the House of Commons; but Hatsell says that nothing further appears on the subject. So that, in fact, that precedent is only of value as showing that the House of Commons was, at that time, unable to form any opinion on the question. The next precedent worth observing is that of the 19th of April 1614, when "it is referred to the Committee of Privileges to view precedents and to consider of giving an oath by this House concerning the returns of Members, and jurisdictions of this House; and Sir Dudley Digges moves that if the Committee shall not find by precedents that the House have any such power, a Bill may be drawn for that purpose, and a Bill is ordered accordingly." But Hatsell says, "there does not appear any report from the Committee, or that the Bill was ever presented." And thus the matter was left in the same doubt as before; but it is plain that the House was of opinion that if no precedent could be found, the proper remedy was by way of statute.

15. But they do not seem to have acted on either view?—On neither. Another precedent which is important, is this. In 1620, it seems to have been agreed by both Houses, in the case of Sir Giles Mompesson, that the House of Commons could not administer oaths, and that therefore the witnesses should be sworn at the Bar of the House of Lords; and as the House of Commons concurred in that course, they did not put forward any claim of their own. The next precedent is also material. "On the 16th of March 1620, this doctrine is confirmed by Mr. Glanvylle, who says, in the House of Commons, 'This House hath no power to take an oath,' and Sir Edwyn Sandys adds, 'The Lords may take an oath, we cannot.'" Those opinions, which are the opinions of very eminent men, do not appear to have been contested. I take it to be conclusively established, that up to that time the House of Commons claimed no right to administer an oath.

16. Isthat the last precedent which you think important before the time of the Commonwealth?—Not quite. The case of Floyde is very material; it is here only very shortly adverted to by Hatsell; and there are one or two points which the Committee ought to be made acquainted with, though the case of Floyde is well known.

17. With regard to the proceedings of the House of Commons on the 16th of March 1620, in the case of Sir Giles Mompesson, is there any further notice of that case or of what the House of Commons did upon that discussion?—No further mention is made of the question of oaths. The proceedings continued, and the witnesses were sworn at the Bar of the House of Lords, where the trial was conducted.

18. But

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18. But there was no resolution of the House of Commons on that occasion?—No.

19. Mr. *Walpole.*] I observe that Sir Edward Coke took part in the discussion in that case, on the 16th of March 1620?—Yes.

20. Do you recollect that in his "Institutes," he lays it down positively that it was always considered the law that no oaths could be imposed except by the authority of Parliament?—Yes.

21. And probably, therefore, they proceeded on that knowledge?—Yes. It is quite clear that the House of Commons did not administer oaths in that case. I think the case of Floyde throws considerable light on the inquiry. It is well known that in the case of Floyde the House of Commons altogether exceeded their jurisdiction. He was accused before them of having spoken disrespectfully of the Electress Palatine and her husband; the Electress Palatine being the daughter of James the First. The House of Commons, who had no jurisdiction whatever over such a case as that, which in no way infringed the privileges of the House, took upon themselves to punish Floyde in a very disgraceful manner, and altogether beyond their jurisdiction. They fined him 1,000 *l.* (the power of fining it was not unusual for them at that time to assume); they condemned him to stand twice in the pillory, which was altogether beyond the province of any court not having criminal jurisdiction; and, further, to ride backwards on a horse, with the horse's tail in his hand. Both the king and the House of Lords took umbrage at this extravagant proceeding of the House of Commons; and it is material to observe that the Solicitor General, for the King, came down to the House of Commons, and one of the grounds alleged by him for removing the matter from the further discussion of the House was, that Floyde had been condemned upon evidence not taken on oath. The Solicitor General said that "he would not have the House condemn a denying man without hearing witnesses on oath." In the arguments which were raised upon this business, both in the House of Commons and in a conference with the House of Lords, it was contended by Mr. Hakewell, Mr. Glanvylle, Sir Edward Coke and others, that the House of Commons were a court of record. Sir Samuel Sandes said: "We are a court of record, and every court of record hath power to administer an oath; and want of use taketh not away the jurisdiction of a court." Another Member, Dr. Googe, maintained that the power of swearing witnesses was incident to their jurisdiction. Sir Edward Coke, at the conference, said, "It is manifest and known to all, that whosoever hath a court of record may incidentally examine upon oath." And yet, notwithstanding those assertions of right, the House of Commons relinquished their prey, and Floyde was handed over to the House of Lords, who, in their turn, exceeded their jurisdiction, even more than the House of Commons had done.

22. He was re-tried, was he not?—Yes, and condemned very severely by them. The House of Lords had no more jurisdiction, in a criminal matter, than the House of Commons, but they could administer oaths.

23. Then the ground taken was, that the House of Commons having been originally a court of record, could not lose their privilege by non-user?—Yes, that was maintained as a general argument, but they did not proceed to act upon it, or to swear the witnesses.

24. Between that period and the Commonwealth, do you find any further precedent?—No; that is the last case before the Long Parliament.

25. During the Long Parliament are there any precedents on the subject of the House of Commons exercising such powers?—Yes, there are precedents which I wish particularly to bring before the Committee, because they are not mentioned by Hatsell. No doubt he was aware of them, but he did not mention them, because he considered it was an abnormal period of our history. The first case I find is on the 25th of February 1641, which was just at the beginning of what may be called the revolutionary period of the Long Parliament, and there it was "Ordered that Mr. William Murray and Sir Thomas Lansford shall forthwith be summoned to appear before the House of Commons to be examined on oath, in the case of the Lord Digby." That is the first case in the Journals of the House. Then on the 18th of April 1645, it was ordered that "Alderman Foulke, having refused to answer or to take an oath tendered by the Committee, be find 100 *l.*" On the 22nd of May 1649 it was "Ordered that an Act of Parliament be brought in to give power to all Committees to give oaths." That Bill proceeded, but was subsequently negatived at a later stage,

stage, and was never passed, and as the Long Parliament continued to administer oaths, or to authorise its Committees to administer oaths, I presume, in the absence of any record, that the Bill was abandoned because the Parliament was satisfied to exercise its own authority without any further powers, for they continued on several other occasions to administer oaths, and to give also to particular Committees power to administer oaths. In one case a general power of this description was given; "Resolved, that any Committee that are to examine any matter of bribery, shall have power to examine witnesses on oath." The House thought it right to swear witnesses, in carrying on its judicature in matters of elections.

26. Did that continue throughout the period of the Long Parliament?—Yes, that continued throughout the Long Parliament and the Commonwealth; the last precedent is in 1656.

27. *Chairman.*] That was in Cromwell's Parliament?—Yes, in the period of the Commonwealth.

28. *The Lord Advocate.*] During Cromwell's Parliament and the Protectorate no question whatever was raised with regard to the power of the House of Commons to administer oaths?—Unless it be considered as having implied some doubt that a Bill was actually ordered in order to confer the power, the House resolving the doubt in its own favour.

29. Perhaps they doubted their power to delegate the right to Committees?—Perhaps so.

30. Upon the Restoration, how does the question first appear on the precedents?—The whole of the cases subsequently to the Restoration are very succinctly stated by Hatsell in the Papers before the Committee. We find immediately after the Restoration, on the 4th of December 1661, "A message is sent to the Lords to desire that certain witnesses may be sworn at their Lordships' Bar, in order to be examined before the Commons in a Bill then depending;" that is a plain admission that the House of Commons did not claim the right, independently of the intervention of the House of Lords.

31. Does the practice appear to have been taken no notice of in Parliament, when one would have thought that the precedent of the Protectorate and the Long Parliament must have been very fresh in their recollection?—There appear to have been no debates on the subject. I think Hatsell states everything material that is known upon this point. The House of Lords did not accede to that request; and shortly afterwards, in 1666, the House of Commons sought the appointment of a joint Committee for the purpose of examining witnesses on oath. The House of Lords did not favour that overture, and accordingly that mode of seeking indirectly the power of administering oaths was abandoned by the House of Commons. Their next expedient was a curious one: they empowered justices of the peace for the county of Middlesex, who happened to be Members of the House of Commons, to administer oaths in committees of which they were members; thus endeavouring to bring the authority of a justice of the peace in aid of their own jurisdiction. On one well-known occasion, in 1678, they had the oath administered by the Lord Chief Justice of the Queen's Bench, a proceeding equally irregular; and then for several years the practice was, when any inquiry was undertaken of unusual importance, for the House of Commons to make an order that the witnesses should be examined "in the most solemn manner," without indicating what that solemn manner was; but it is well known that it consisted merely in the continuation of the plan of examining witnesses through justices of the peace for Middlesex.

32. Was that the practice under those various Resolutions; that witnesses should be examined in the most solemn manner?—Yes.

33. Were the witnesses always put on oath in some way or other?—In those cases where it was desired that witnesses should be examined on oath, it was intended (without distinctly expressing it, and so revealing the weakness of the authority,) that the examination should be conducted by magistrates of Middlesex, acting, as it was supposed, in their jurisdiction within that county. That course of proceeding was frequently resorted to until the year 1757, when the last case occurs in which, however irregularly and indirectly, an oath was attempted to be administered by the sole authority of the House of Commons.

34. From that time to the present, except so far as recent statutes have modified the power, have witnesses been examined by the House without being

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put on oath?—Yes, in all cases, however important, except where the administration of an oath was authorised by statute.

35. Then with regard to the statutes, how do they stand?—The first statute which authorised the House of Commons or any of its Committees to administer oaths to witnesses was the Grenville Act of 1770, which, as is well known, established a new tribunal for the trial of election petitions. That Act of 10 Geo. 3, c. 16, authorised and required every Election Committee to examine all the witnesses who came before it on oath; it also empowered the House itself to administer oaths in certain cases, as, for example, where any excuse was offered by a Member for non-attendance. The Grenville Act was continued and amended, from time to time, and in all the subsequent Acts of Parliament similar powers, somewhat enlarged, of administering oaths to witnesses, were continued, until the jurisdiction of the House of Commons itself was finally abandoned last Session, and with it the power of administering oaths in inquiries relating to elections.

36. Is there at this moment any statute authorising the House, or a Committee of the House, to examine witnesses on oath?—Yes, there are other statutes. But before I mention the next statute, perhaps I had better refer to the course of the House of Lords, which led to the passing of another Act, to which I will presently refer. While the House of Commons administered no oaths whatever, in any cases however important, the House of Lords took exactly the opposite course, and, without any discrimination, administered oaths to all witnesses before every Committee, whatever the subject. Even in the case of an ordinary Committee, in which opinions rather than facts were to be ascertained, nevertheless oaths were administered to every witness without exception. In the year 1857 this practice attracted the notice of several Peers, and especially of Lord Campbell; and a Committee was appointed to inquire into the administration of oaths in the House of Lords. I think it may be well to read the Report of that Committee. "The Select Committee appointed to consider and report on the expediency of altering the present mode of administering oaths to witnesses to be examined by Committees of the House, report that the Committee had unanimously agreed, that it is expedient to discontinue the practice of examining witnesses on oath before Committees, in all cases in which the administration of an oath does not appear to the House necessary for the purposes of the inquiry; that Committees ought therefore, in future, to examine witnesses without their having been previously sworn, except in cases in which it may be otherwise ordered by the House; that as the inquiries before Committees on Private Bills involve questions of fact in which private interests are concerned, it is expedient that such Committees should be directed by a Standing Order to examine witnesses on oath, except in cases in which it may be otherwise ordered by the House." Accordingly, on the 4th of June 1857, upon the motion of Lord Campbell, the Lords resolved, "That Select Committees, in future, shall examine witnesses without their having been previously sworn, except in cases in which it may be otherwise ordered by the House." "That all Committees on Private Bills shall examine witnesses upon oath, except in cases in which it may be otherwise ordered by the House." Lord Campbell, in moving these Resolutions, made some observations which I think may be interesting to the Committee. He said that "the Committee had early come to the Resolution that in the practice of Select Committees of their Lordships' House, it would be a great improvement to abstain altogether from administering an oath to witnesses who came before them, to speak to matters merely of opinion. They were of opinion that to swear a man that he must speak the truth on any speculative question of that sort was most preposterous, and that it was always a desirable thing to avoid unnecessary oaths; but where there were contested facts and conflicting evidence, the Committee considered that it was just as necessary to administer an oath to witnesses who came to depose to matters of fact before a Committee of their Lordships' House on a Private Bill as it was in any Court of law in the Kingdom. How the oath was to be administered had been left an open question, but he thought witnesses should be sworn by the Committees, and not at the Bar of the House." I may perhaps add here, that since the passing of these Resolutions by the House of Lords in 1857, there has only been one single instance in which the House of Lords have empowered a Select Committee of Inquiry to administer oaths. That was the case of the

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Patent Office and Mr. Edmunds in 1865; and there the House of Lords ordered that the witnesses before the Committee be examined on oath. That proves how rarely that power would be necessary in ordinary cases of inquiry.

37. *Chairman.*] That was a *quasi* judicial proceeding, was it not?—Certainly it was a judicial proceeding. It will be observed that, in 1857, it was left undecided whether witnesses before Committees in the House of Lords should in future be sworn at the Bar, or sworn by the Committee themselves.

38. *The Lord Advocate.*] How was it up to that time?—Up to that time every witness, whether he was to be examined before the House of Lords or before any Committee, was previously sworn at the Bar of the House, and that led to very great inconveniences, especially in private Bills. Troops of witnesses came up to town to be examined before Committees, and it often happened that the House of Lords itself might not be sitting; or might not meet until late in the day appointed for hearing the case before the Committee; and great inconvenience and expense were consequently caused by the ancient practice of administering the oath at the Bar. But just as the House of Commons had no power of administering an oath, or of empowering Committees to administer an oath, so the House of Lords had no power to authorise a Committee to administer an oath; it could only do so itself, at its Bar; and that being the state of things, it became expedient in the opinion of the House of Lords, that its own power should be enlarged, and that Committees of the House should have authority to administer oaths without the prior authority of the House itself.

39. Did the House of Lords do that of its own native vigour?—No; the House of Lords, finding that it was expedient to give this very necessary and convenient power to its Committees, was obliged to resort to an Act of Parliament to accomplish the object. At that time there were inquiries going on in both Houses of Parliament with regard to the best means of reducing the very great expense of Private Bill legislation; and, among other things, it was suggested that if the evidence taken before one House could be communicated to the Committee of the other House, some expense might be saved; but no such practice could be introduced unless the evidence was taken before both Committees with the same sanction of an oath. Accordingly, a Bill was brought in by Lord Redesdale in the House of Lords, in communication with Colonel Wilson Patten in the House of Commons. That Act I had, perhaps, better read to the Committee; it is an Act to enable the Committees of both Houses of Parliament to administer oaths to witnesses in certain cases. It is the 21st and 22nd of Victoria, c. 78: "Whereas it is expedient that the evidence taken before the Committees of either House of Parliament on a Private Bill should be available, if desired, before the Committee of the other House to which the same Bill is referred, and that for this purpose the Committees of the House of Commons on Private Bills should be enabled to administer an oath to the witnesses examined before them; and it is also expedient for the convenience of the House of Lords that the Committees of that House should be enabled to administer an oath to the witnesses examined before them, instead of such witnesses being, as heretofore, sworn at the Bar of the House: be it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons in this present Parliament assembled, and by the authority of the same, as follows: I. Any Select Committee of the House of Commons to which any Private Bill has been referred by the House may examine witnesses upon oath upon matters relating to such Bill, and for that purpose may administer an oath to any such witness. II. Any Committee of the House of Lords may administer an oath to the witnesses examined before such Committee. III. Any person examined as aforesaid, who shall wilfully give false evidence, shall be liable to the penalties of perjury." This Bill was brought into the House of Lords, and was passed by the House of Commons without any amendments whatever; and therefore this new privilege was, in fact, voluntarily conceded by the House of Lords, for there were no requisitions made on this side; but the House of Lords offered that privilege when they were seeking certain powers for themselves, which were needed for their own convenience.

40. The passing of this Act necessarily implied that even the House of Lords could not extend their ancient practice to the extent which they required without an Act of Parliament?—Certainly; they could not assume any new

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privilege. Their ancient practice had been to administer oaths at the Bar of the House, and they could not delegate the power to any Committee.

41. Colonel *Wilson Patten.*] Was the power of that Act limited to any particular class of Bills, or was it a general Bill with regard to the House of Commons? — With regard to the House of Commons, Private Bills only were included.

42. It was not limited to any particular class of those Bills?—No.

43. Mr. *Gathorne Hardy.*] Did not Mr. Warren bring in a Bill to enable the House of Commons to examine witnesses on oath?—Yes, in 1857, but it was withdrawn.

44. *Chairman.*] Do you know whether there was any discussion on that Act of Parliament which you have referred to when the Bill was brought into the House of Lords?—None whatever, except in introducing the Bill. It was a Bill to give effect to the recommendations of a Committee of the House of Lords, and it required no explanation.

45. Mr. *Walpole.*] Since the passing of that Act, what has been the practice of both Houses of Parliament with regard to Private Bills?—Even now, notwithstanding that Act, there has been a slight divergence of practice between the two Houses, which may be very easily explained. When the House of Commons first had this new power conferred on Committees on Private Bills, there was a class of Bills commonly known as Hybrid Bills; and the first time such a Bill came before a Committee, the Committee had to consider whether this power extended to that class of Bills; and the Committee, I think properly, determined that they could not apply to such a case the power conferred by this Act, which was expressly limited to cases of Private Bills.

46. *The Lord Advocate.*] A Hybrid Bill is a Bill half public and half private, is it not?—Yes, but the Committees are generally constituted in a different manner. The Committees on such Bills might have decided either way, without doing any great violence to the law, but being anxious not to exceed the authority granted them, they have not so applied that power. In the House of Lords it has been different. Their Committees have always taken evidence on oath in that class of Bills, but they have general powers under the Act of Parliament in all cases, according to their discretion, to do so. The law being different, as applicable to the two Houses, their practice is also different.

47. Mr. *Bouverie.*] Have there been many occasions in which the power of communicating evidence from one House to another has been used?—I am afraid that part of the Act has been nearly a dead letter, except in the cases of certain unopposed Bills; for instance, Divorce and Estate Bills; and as they always originated in the House of Lords, the sworn evidence would come to this House. With regard to the House itself, there has been no subsequent legislation; but I may just mention that, in 1847, by an Act of 10 & 11 Vict. c. 69, the taxing officer of the House of Commons was empowered to examine witnesses on oath; and in the year 1849, by 12 & 13 Vict. c. 78, a similar power was conferred upon the taxing officer of the House of Lords. And again, two years ago, by 30 & 31 Vict. c. 136, the courts of referees, recently constituted by the House of Commons, were enabled to examine witnesses upon oath upon such matters relating to any Bill as they may, under any Standing Order or other Order of the House of Commons, be empowered to inquire into, and for that purpose they may administer an oath to any such witness. With regard to the practice of the House, there is one point which perhaps I may advert to. It will be observed in Hatsell that the House of Commons have always shown great repugnance to accepting evidence by affidavits sworn elsewhere. But when inquiries were going on, in 1846 and 1847, with regard to the great expense of Private Bill legislation, a new court was constituted for the trial of all cases of compliance with the Standing Orders, and a new principle was then introduced. The Examiners of Standing Orders, and also Select Committees, were empowered to take evidence by affidavit, sworn in England before a justice of the peace, in Scotland before a sheriff depute or his substitute, and in Ireland before a judge, assistant barrister, or a justice of the peace. I should say that hardly any recent changes of Parliamentary practice have been more beneficial than that, in saving expense.

48. *The Lord Advocate.*] Has the Examiner on Standing Orders the power of administering an oath?—No; he receives an affidavit sworn before some other judge

judge or magistrate, but he cannot administer an oath, or take an affidavit himself.

49. *Chairman.*] I presume that that power to take affidavits is under statute?—No, it is a power given by the Standing Orders of both Houses.

50. That is virtually at variance with Mr. Hatsell, because he assumes that the reasons why the House would not allow affidavits to be received was that they could not cross-examine the witnesses; is not that so?—Quite so; but those affidavits are only received on formal points. Certain matters require to be proved by the parties promoting a Bill, such as the depositing of plans and books of reference, and the serving of notices; in fact formal evidence, and in case of any of those formal proofs being contested by the adverse parties, the whole question has to be proved by evidence brought before the examiner. That saves the bringing to town of an enormous number of witnesses; sometimes amounting to thousands in the course of the year.

51. Mr. *Henley.*] All oaths administered to Members of the House of Commons have always been administered by statute, have they not?—Yes; all the oaths required to be administered have been by statute, and the manner of administering oaths to Members has also been distinctly prescribed by the statutes.

52. The order to take the oath is by statute, and the power to administer the oath is by the statute?—Yes.

53. Then *à fortiori* if the House of Commons had not power to administer oaths to its own Members, it would not be likely that it should be able to do it to strangers?—The two questions are quite distinct; but perhaps the Committee may observe that before the statutes were passed, a case arose in 1610 in which, by proclamation, the oath of allegiance was required to be administered to Members; and there the House, for the first time, resorted to the expedient of having the oath administered by two justices of the peace for Middlesex.

54. From the earliest time when the oath of allegiance or other oaths have been administered to Members on their taking their seats, has the power to administer the oaths always been by statute?—Yes; it has been an obligation more than a power.

55. But I am asking more with regard to their power to administer it than the obligation to take it?—Yes, the whole proceeding was governed by statute, and in no way by order of the House.

56. Do you know if there is any direct authority, in any of the statutes relating to Members taking the oaths, for the House of Commons to administer the oaths?—The words are all words of obligation and command; that the oath shall be administered with The Speaker in the chair, with a full House. These statutes applied also, in the same words, to the House of Lords.

57. Is there any direction as to whom those oaths are to be administered by?—Only that they shall be publicly made and subscribed at the Table, in the middle of the House.

58. *The Lord Advocate.*] The first statute referred to by Hatsell in the matter is the 5th of Elizabeth?—Yes.

59. Is there anything anterior to that?—No; that was the Act of Supremacy: the oath, under that Act, was taken before the Lord Steward, and not in the House itself.

60. Mr. *Walpole.*] How was it before the Grenville Act was passed. Did the House of Commons take evidence upon election petitions without oath?—Certainly.

61. *Chairman.*] That was a proceeding of the whole House?—Yes, that was a proceeding of the whole House; and no attempt was made to administer oaths to the witnesses examined.

62. *The Lord Advocate.*] On the whole matter, do you consider that the House should have the power of administering oaths; and if so, can that power be obtained, in your opinion, by statute?—Yes, I have always entertained the opinion, ever since I first investigated subjects of this character, that the House of Commons ought to have statutory powers to administer oaths, not so much because I think that evidence taken otherwise than upon oath is untrustworthy, but because, if it is considered that an oath is a necessary means for eliciting truth, it ought to be enjoyed by this House as well as by the other House, and by other tribunals. Since, according to the jurisprudence of this country, the sanction of an oath is regarded as essential for the discovery of truth, I consider

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it of the highest importance that this House should enjoy that power, to be exercised when required.

63. Whether by the House itself, or by its Committees?—Yes.

64. Do you think that the House of Commons is a court of record?—It is almost too late, I should apprehend, to rely on any argument in favour of the House being a court of record for the purpose of founding any claim of this kind upon it, inasmuch as that particular point has been abandoned.

65. You do not, however, found your opinion on the ground that the House of Commons is not a court of record?—No, I would not venture to say that it is not a court of record: that claim might have been established at the proper time, with all the powers incident to such a court; but it is quite certain, whether it be a court of record or not, that this particular privilege has been so completely abandoned, that it could not be revived.

66. In the first place you do not doubt the power of the House to summon witnesses?—No, that never has been questioned.

67. Does that power, in your opinion, rest on its position as a court of record?—Long-continued usage and undisputed exercise of the power alone would establish it.

68. What power has the House to punish false evidence not given on oath?—Giving false evidence is a breach of privilege and contempt of the House. To punish it is a power that has been constantly exercised by the House, from the earliest time.

69. *Chairman.*] Are there cases on record where the House of Commons has exercised its power of punishment for refusal to answer questions?—Yes, certainly; there are numerous cases.

70. *The Lord Advocate.*] But that power is only commensurate with the existence of the Session of Parliament which exercises it?—Yes. But formerly the House of Commons, like the House of Lords, assumed the right of committing the delinquent for a time certain, for one month, for three months, or for any other time; but for more than two hundred years that practice has been given up. The Commons now merely commit the offender during pleasure, and the delinquent is released directly the prorogation of Parliament takes place.

71. Mr. *Disraeli.*] Do you think that the accordance of this privilege would have a tendency to increase the business of the House of Commons?—Not at all; I cannot apprehend that it would have any such unfortunate tendency.

72. It would not bring any fresh business, or newer kinds of business, before us, you think?—No, it does not occur to me that any such evil consequence would ensue. I assume that if it were thought fit that a statute conferring this power should be passed, the general power would be given, leaving a discretion to the House of Commons with regard to the cases to which it should be applied; and I should say the course now adopted by the House of Lords would form a very convenient guide to this House. No Committee of Inquiry into matters of opinion would be empowered to administer oaths, unless the House thought it a case of so judicial a character as to demand it. But I, perhaps, might state to the Committee the cases which appear to me to be of a nature to require an oath to be administered by the House itself. The first is on complaints of breaches of privilege. An allegation is made that a certain offence has been committed against the House. It may be, as in the case of Azim Ja, a case of forgery of petitions. I will assume that there is some doubt in the matter. If the House determines that a breach of privilege has been committed on evidence, and if they follow up that determination by a committal of the delinquent, I think that is a case in which, if any additional authority is to be acquired, an oath should be administered. Another case, which I think is of much more importance, is that of impeachment. Happily, such occasions are very rare; but according to the existing law, although a subject is placed on his trial before the highest court of record, yet the evidence on which the charge is founded is not taken on oath; whereas in all other courts a prisoner is only put on his trial on sworn information.

73. Mr. *Bouverie.*] After a preliminary inquiry on sworn information?—After a preliminary inquiry. But in the House of Commons all those preliminary inquiries, and all those accusations on which the trial is afterwards founded, are taken on ordinary evidence without oath. I think it clear that if

it is considered that an oath gives greater authority to evidence, that is peculiarly a case requiring such an authority.

74. *Chairman.*] You regard that preliminary inquiry as somewhat analogous to an inquiry before a grand jury?—Before a grand jury, or before a magistrate. Another, and, perhaps, a still more important occasion, is that of a Bill of attainder, or a Bill of pains and penalties. A Bill of that nature has to be passed by each House, and each House is bound to satisfy itself, upon the best evidence that can be produced, of the propriety of passing such a Bill,—a Bill of the highest consequence, affecting the liberties and, possibly, even the lives of subjects. If such a Bill originates in the House of Commons, it is passed on the evidence of unsworn witnesses; but if it originates in the House of Lords, it is passed on sworn testimony, in one House, and on unsworn testimony in the other. It is quite clear to my mind, that if it is right and necessary that one House should have the power of administering oaths, in such a case, the other House should also have that power.

75. Is there no other case besides those which you have named to which you would extend that power?—Those are cases before the House itself; but there are other cases. Hatsell incidentally mentions the case of the examination of the King's physicians, with regard to the propriety of a Regency, which took place on two occasions. It is quite certain that as the object of that inquiry was to ascertain whether the King was competent to conduct the affairs of the State, both Houses ought to have been in possession of evidence of equal weight and authority.

76. Would you not say that in a case that is unlikely to occur, of an Address by the House of Commons to the Crown, to which the assent of the House of Lords is by statute required, for the removal of a judge, for instance, as in the case of Mr. Justice Johnson, it would be an advantage that the House of Commons should have the power of examining into the facts *primâ facie* on oath?—Yes, I think that is a strong illustration in point.

77. You would not limit the power to those classified cases which you have mentioned, but if I understand you rightly you would leave a discretionary power in the House to administer oaths or not, as it thought necessary?—Yes; but I think it is peculiarly necessary in those cases in which there are proceedings before both Houses: otherwise the position of the House of Commons is invidious, and arguments are naturally used in disparagement of its authority.

78. Taking the case of the removal of a judge; if Mr. Justice Johnson had refused to admit the cardinal facts, the House would have been obliged to address the Crown upon the spoken words of witnesses, without any test of their conscience?—Certainly. I have mentioned a certain class of cases, not at all meaning such examples to be exhaustive, but merely as indicating the kind of cases which I think important; but there are certain Committees also which would certainly be invested by the House, under the general statute, with a power of administering an oath.

79. Would you recommend that the class of Committees should be designated in the statute?—No, certainly not; I should follow the precedent of 1858, empowering the House and its Committees to administer an oath, and I should leave to the special orders of the House the occasions on which it was proper to administer oaths under the statute. But there are several Committees of a *quasi*-judicial character which, I think, would ordinarily receive that power, if the House could grant it. In matters involving breaches of privilege, I certainly think that, as the offender will probably be committed to the custody of the Serjeant-at-Arms, or even to Newgate, the evidence ought fairly to be given on oath, as much as in any court of justice.

80. Suppose the conduct of a Member was questioned in the House, and referred by the House to a Committee to inquire into the facts, which might be grave enough to lead to his expulsion, could that Committee, if now empanelled, examine witnesses on oath?—No. That question refers to an important class of cases, in which petitions are presented complaining of the conduct of a Member, or in which charges are made against a Member, in the House. In numerous cases of that kind Committees of a judicial character have been appointed in a peculiar manner; they have been nominated by the General Committee of Elections, when that Committee was in existence.

81. As in the case of the charges against Mr. Shiel in the year 1835?—Yes, and

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and in numerous other cases; but in none of those cases, has the Committee had authority to administer oaths.

82. *The Lord Advocate.*] Do you remember the case of the Baron de Bode?—Yes.

83. Did that, in your opinion, belong to a class of cases where it was very desirable that the Committee should have the power of administering oaths?—Yes, I think it is desirable in any case of that kind. In that particular case there was a Committee in the House of Lords, moved for and conducted by Lord Lyndhurst, where all the witnesses were sworn, while before the Committees in the House of Commons, the evidence was not taken on oath.

84. Mr. *Walpole.*] Did the case of the Baron de Bode come down to the House of Commons?—Yes: there were two inquiries in that House—in 1834, and 1860—which were necessarily conducted without the power of examining witnesses on oath.

85. *The Lord Advocate,*] When a witness gives false evidence in the House of Lords is he tried for perjury, or does the House itself deal with him?—He is liable to both incidents. He would be exposed to penalties for perjury under the law, and in case of misconduct, or prevarication, or any improper evidence which appeared to the House of Lords to be a contempt, they would commit him. But the bare fact of false evidence would, probably, be left to the law of perjury.

86. Are there any instances of that kind on record?—There are numerous instances of witnesses in the House of Lords having been committed for prevarication, withholding the truth, deception, and that kind of offence; but with regard to false evidence I am not aware of any precedent in the House of Lords like those in the House of Commons, who are bound to resort to that expedient. The House, however, would judge, in each case, whether a witness had been guilty of contempt.

87. There have been no cases of ordinary trials before the courts of law for perjury committed in the House of Lords?—Such cases may probably be found, but I am unable to recall any.

88. Mr. *Walpole.*] There are no cases of evidence taken before the House of Lords on oath in which the party who gave that evidence has been charged with perjury before a court of law?—I am not in a condition to answer that question further. There is no doubt that the law would apply, but whether it has actually been carried into effect or not, I am not aware.

89. But supposing an Act was brought in, in conformity with your opinion, for the purpose of enabling the House of Commons to administer oaths to witnesses, might it not be a very important question to consider whether an undefined power should be given to indict a man for perjury without the authority of the House?—I should say that the House of Commons would be in the same position as any other court which administers oaths; and the Act of Parliament would state, as was done in the Act of 1858, that "Any person examined as aforesaid, who shall wilfully give false evidence, shall be liable to the penalty of perjury." That is the case now with regard to the Committees on Private Bills, and it is the case with regard to the Committees of the House of Lords; and I can see no reason for treating the House of Commons in a different way.

90. Mr. *Bouverie.*] Do the House of Lords always swear a witness when he comes before them at the Bar of the House; for instance, with Returns?—No, not in the case of ordinary returns; but a witness who delivers in papers concerning judicial proceedings is sworn.

91. Mr. *Walpole.*] How would you propose to regulate the times and occasions on which the House should exercise its new powers; as I understand you, you would give a general power, by Act of Parliament to administer oaths, either by the House itself, or by its Committee?—Yes.

92. Then, in what way would you regulate the circumstances or occasions under which an oath either might or might not be administered?—With regard to the House itself, I should leave that to the discretion of the House, on each particular occasion; but with regard to Select Committees, I should advise the passing of a Resolution, similar to that which the House of Lords passed in 1857, which would restrain Committees from examining on oath, except when expressly authorised by the House to do so.

93. Would

93. Would you regulate that by a Standing Order?—Scarcely. It would be very difficult to insert every occasion on which they were to examine witnesses on oath; it would be quite sufficient to give them that power in each particular case, when required. The House has the power now to decide whether a Committee shall have power to send for persons, papers, and records; and in the same way, it would determine whether witnesses before certain Committees should be examined on oath.

94. But if an Order was made that a Committee should have power to send for persons, papers, and records, when that Order was made by the House, do you propose, as a matter of course, it should follow that they might have the power, if they chose, to examine witnesses on oath?—No, not without the special Order of the House, which might either be given at that time, or be applied for afterwards. Suppose a case should arise in which the Committee thought the circumstances to be of such a nature that the evidence would not be altogether trustworthy without the sanction of an oath, and they reported to the House accordingly, the power of examining witnesses on oath would be sought, and probably obtained.

95. Then, under the usual powers granted by the House to send for persons, papers, and records, you would not include the new power of administering oaths unless it was specially ordered?—No; I think it would be convenient to restrict it to those occasions on which the House itself gave the Order.

96. Mr. *Bonham-Carter.*] You have alluded to the case of Hybrid Bills; was that class of Bills contemplated, or was it thought better not to include them in that Act of Parliament which enabled an oath to be taken on Private Bills?—I should apprehend that the draftsman who prepared this Bill had the particular subject before him of Private Bills, and that the subject of Hybrid Bills did not occur to him.

97. Is it not the fact that the words which appear in the Lords' Resolutions, as marking cases in which an oath is not only justifiable but desirable, namely where it is a question of fact and where private interests are concerned, are just as much applicable to Hybrid Bills as to Private Bills?—Quite so, in every respect; many of them are of great importance. Take the case of the Thames Embankment, for instance; in such a case the Committee would not have had the power of taking evidence on oath.

98. Is there not another class of Bills which are not exactly Hybrid Bills, but to which the same rule would apply—namely, the cases of Provisional Orders, Piers and Harbours Bills, Inclosure Bills, and Turnpike Acts,—in all of which the same contested facts and conflict of evidence occur as in the case of Private Bills that come before Committees?—Yes, that is perfectly true, and that class of Bills affords a very strong illustration of the propriety of extending the power of the House of Commons to administer oaths; because those very Bills, when they go before a Select Committee, are required by the statutes to be dealt with as in the case of Private Bills. Those Committees are appointed by the Committee of Selection exactly as in the case of Private Bills; yet the hands of the Committees are tied, whereas in the adjoining room a Committee on a Private Bill is administering oaths. There cannot be a stronger contrast than that.

99. In Divorce Cases this might have occurred, that if the Committee which received the evidence taken on oath before the House of Lords as the groundwork of its action, were not entirely satisfied with regard to that evidence, and had to ask for new evidence, that evidence not taken on oath had to be set against evidence taken on oath in the other House?—That was so formerly, but since the Act of 1858 was passed, the House of Commons Committee could have administered an oath.

100. But until that Act was passed that was so, was it not?—Unquestionably it was so in that case, as in all others.

101. *Chairman.*] That anomaly still prevails with regard to impeachments and Bills of Penalties, does it not?—Yes.

102. Mr. *Bonham-Carter.*] Do you remember the case of the Lisburn Election Petition?—Yes.

103. That was a case of *quasi* judicial inquiry relating to the election?—Yes.

104. The question was whether that petition was or was not duly withdrawn; it was, in fact, a preliminary inquiry as to whether it was a valid petition or not?—Yes.

 105. That

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105. That petition was referred to the Committee of Elections as a *quasi* judicial body, and they had to examine witnesses with regard to the privilege of the House in elections, which they could not do on oath?—Yes; that is another very strong case. That was a case quite within the ordinary judicature of the House of Commons; and in other cases analogous to that, an Election Committee would have had the power of examining witnesses on oath; but this being a case not covered by the statute, the Committee had no power to examine witnesses on oath, and the House had no power to confer that privilege.

106. Mr. *Gathorne Hardy.*] And the case of Sir Sydney Waterlow this year was analogous?—Yes; that Committee was to all intents and purposes an Election Committee, and its decision was carried out by the House of Commons.

107. Have you looked to see whether any Bill was ever brought into the House on this subject?—I am not aware of any Bill having been brought in, except those which are referred to already in my evidence.

108. *The Lord Advocate.*] In one case a Bill was not brought in, but only directed to be brought in?—Yes; and in one case during the Long Parliament a Bill was brought in, but was not passed.

109. Colonel *Wilson Patten.*] Are you aware of any debates, either in the House of Lords, or in the House of Commons, where any objection has been made to the House of Commons taking evidence on oath?—No, except in those old cases that have been referred to; in modern times the matter has really not been discussed.

110. Are you aware whether, in those modern cases where the power has been given, the right of the House of Commons to take that evidence on oath has been discussed?—No; I am not aware of any discussions of that kind. I have never met with any previous discussion on the question; and in those cases the power has been sought for a particular purpose, and has been granted without question.

111. I think you stated that you were aware of Lord Redesdale's proceedings in one case. Are you aware whether he raised any objection to the House of Commons having that power?—No; but if he did raise any objection, he withdrew it, because he himself brought in the Bill to confer that power, and passed it.

112. In the House of Lords on that occasion no objection was taken?—No, certainly not; it passed without any discussion.

113. *Chairman.*] Do you see any reason to anticipate any objection being made to such a course of proceeding now?—I confess that I do not myself anticipate any objection; but it is rather for the Committee than for me to form an opinion on such a question.

114. I mean on the part of the House of Lords?—Yes; so I understood it. On previous occasions in which the power had been granted where, as it seems to me, the occasion has been of far less importance than many that could be mentioned as not yet provided for, no objection has been raised, and I can scarcely anticipate that the House of Lords would now raise any constitutional objection on the point.

115. Have you considered the question of the Wensleydale Peerage with regard to the power of the House of Lords to assert, for the first time, a privilege vitally affecting the constitution of their body, as going (in the opinion of many) further than the mere assertion of the propriety of taking evidence in a particular way?—That opens quite a different controversy, but it also suggests this reflection: the chief ground on which the House of Lords refused to admit Lord Wensledale's claim to sit was, that there had been a long disuse of the power of the Crown to create life peers to sit in Parliament. In the same way here, there has been a long disuse of the power of the House of Commons to administer an oath, if such a power ever existed. As far as that goes, it is rather against any such claim in the House of Commons.

Colonel *Wilson Patten* (a Member of the Committee); Examined.

Colonel *Wilson Patten*, M.P.

116. Mr. *Bouverie.*] Are you aware of the circumstances connected with the origin of the Parliament enabling Committees on Private Bills in the House of Commons to take evidence upon oath?—Yes. For a number of years there had been an endeavour on the part of several Members of the House of Commons

to

to diminish the expense of Private Bill Legislation, and we found that among the expenses to which the parties were put was that of the necessity of giving personal evidence before Committees of both Houses.

117. Was there a suggestion that the evidence taken before one House should be held good for the Committee of the other House?—Yes; we were in the habit, in some of our Committees, of taking the evidence of the House of Lords as a matter of course, especially with regard to Divorce Bills; that evidence being given on oath.

118. They sending you the shorthand-writer's notes?—Yes; it was delivered formally to the House of Commons; it was laid before the Committee, and the parties were put to no further expense. We accepted the evidence taken on oath before the House of Lords.

119. *Chairman.*] Was that merely the practice, or was it done under any rule?—It was the practice while I had experience of Divorce Committees and it was universally acted upon. It occurred to me that expense might be saved if the same course were reciprocated; that if the House of Lords would take our evidence, without the necessity of bringing witnesses up from the country, it would save great expense to the parties concerned. I conferred with Lord Redesdale on the subject, and it was arranged that a Bill should be introduced giving power to both Houses to take evidence before Committees on oath, and Lord Redesdale said he believed that the House of Lords would be inclined to accept the evidence given before our Private Bill Committees, in the same way that we accepted their evidence on Divorce Bills. Up to that time the House of Lords could not accept the evidence taken before our Committees, because it was not taken on oath.

120. In consequence of that was a Bill introduced by Lord Redesdale?—I had forgot whether it was introduced by him, or by myself, but it appears from Sir Erskine May's evidence that it was introduced by Lord Redesdale himself.

121. *The Lord Advocate.*] There was a discussion on the subject in the House of Commons, was there not?—My belief is, that there was a discussion on private business generally, and especially on the expenses of the private business. I suggested a good many means of diminishing the expense of Private Bill Legislation, and this among others. I think some discussion took place, but, as the members of this Committee know, discussions on private business very seldom appear in full in Hansard. I believe that the regular reporters do not come into the gallery before the public business begins.

122. *Chairman.*] Mr. Massey was Chairman of the Committee of Ways and Means at that time, was he not?—I forget.

123. It was in 1858, I believe?—Yes; I have taken charge of a portion of the private business for a good many years.

124. Mr. *Bouverie.*] Practically, has anything been done under that Act of Parliament, as far as intercommunication of evidence goes?—I think there has been something done; my impression is that it has been useful.

125. *The Lord Advocate.*] Is it not the fact that Sir Erskine May said it had been of little use?—I am not aware of what takes place in the House of Lords.

126. *Chairman.*] No discussion appearing to have arisen, and that Bill being introduced through Lord Redesdale, I suppose the Committee may assume that the opinion of the House of Lords is favourable?—I think so, but I am only giving my own opinion.

127. Mr. *Henley.*] Has it ever been the opinion that in sharply-contested Private Bills the parties would be content that the Committee of the House of Commons should take the evidence that had been given in another place without the power of cross-examining the witnesses themselves?—I think in some cases they might. In the divorce cases we reserved to ourselves the right of examining witnesses, and we did occasionally so examine them; we did not take the previous evidence as a matter of course.

128. But in the case of sharply-contested cases of Private Bills, do you think the parties would be satisfied without cross-examining witnesses before the Committee of the House of Commons?—I think that even in a hot contest it would depend much on the nature of the case itself. If it was a very serious point, and we were not satisfied with the evidence of the House of Lords, we had the power of tking evidence of our own; but if it was a case on which there might be a difference of opinion, we could still take the evidence of the House of Lords without taking fresh evidence.

Colonel *Wilson Patten*, M.P.
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129. In fact, however, in that case, the decision of the House before whom the witnesses did not originally come, would be given on depositions, and not on hearing witnesses?—Yes.

130. That would be the result?—That would be the result of course.

131. Mr. *Bonham-Carter.*] There is one other point to which Sir Erskine May referred, namely, that the Examiners upon Standing Orders have the power of taking affidavits, but that the evidence which comes before them is not taken on oath; would you extend to the Examiner on Standing Orders the same power of taking evidence on oath with regard to contested facts, conflict of evidence, and private interests that you would extend to the Committees themselves?—Yes. I think one of the most important parts of the private business of this House is what takes place before the Examiner on Private Bills, and that it is of the most essential importance that that evidence should be of a most trustworthy description. There is a large amount of property involved in it.

132. I presume that you think it desirable to include that provision in any Bill that might be introduced upon this subject?—Yes.

133. *Chairman.*] The evidence given before the Court of Referees has already been taken on oath, has it not?—Yes.

Thursday, 24th June 1869.

MEMBERS PRESENT:

The Lord Advocate.	Mr. Gathorne Hardy.
Mr. Attorney General for Ireland.	Mr. Henley.
Mr. Bonham-Carter.	Mr. Serjeant Kinglake.
Mr. Bouverie.	Colonel Wilson Patten.
Mr. Disraeli.	Mr. Torrens.
Sir John Esmonde.	Mr. Walpole.

W. T. M'CULLAGH TORRENS, Esq., IN THE CHAIR.

The Right Honourable *Mr. Speaker*, Examined.

Right Hon. *Mr. Speaker.*
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134. *Chairman.*] THE present, I believe, is the fourth Parliament over whose deliberations you have presided in the Chair?—Yes, the fourth Parliament.

135. And previously to your election, in 1857, you had a long experience as a private Member of the House?—I had.

136. And as having taken part in its business?—Yes.

137. The Committee are desirous of knowing whether, from your experience in serving upon Committees of the House, or taking part in its ordinary business, you have been led to form any opinion as to the subject-matter referred to us for inquiry, namely, with reference to the administration of oaths to witnesses?—Without referring to any particular case, it appears to me that where an oath is supposed to give greater sanction and validity to testimony, it would be desirable, certainly, that the House of Commons should possess the power of administering it.

138. And, I presume, should have the power of delegating it to Committees when they thought it necessary?—Certainly.

139. Would you think it necessary that that power should be uniformly or indiscriminately exercised by Committees, as once was the case, though it is no longer so in the House of Lords?—It should be, I think, in the discretion of the House of Commons to consider in what cases that power should be used; that is to say, not for matters of opinion, but for matters of fact.

140. With regard to the transaction of business in the House itself, from your experience in the Chair, have you been led to form any opinion as to the advisability

advisability of our having the power to examine witnesses at the Bar upon oath?—I cannot say that cases have arisen which specially invited my attention to it; but it would seem to me, that if the House has power to delegate that authority to Committees, still more should it possess it itself upon the most grave and serious questions.

141. In such a case as that of an impeachment, or a Bill of Attainder, would you think it desirable that we should have the power of examining witnesses at the Bar upon oath?—Nothing occurs to me to make me think otherwise.

142. In a case which happily has not arisen for many years, that of an Address to the Crown, in which the House of Lords are always asked to join, for the removal of a Judge for misconduct, do you think it desirable that the House of Commons should have that power?—I think it is especially desirable, where an Address from the two Houses goes up to the Crown, that the evidence upon which it is based should go up with equal authority from both Houses.

143. Then it is hardly necessary for me to ask whether you do not think that, in the ordinary case of a Bill of Pains and Penalties against an individual or individuals, we are at a disadvantage in being at present without that power?—I certainly think so. No case has occurred to me in which there can be any objection to it; that is going even a step further than your question seems to point to.

144. I was about to ask a question which you have nearly answered by anticipation, namely, whether any abuse, in your opinion, can arise from our possessing that power?—It may occur to the ingenuity of some, but so far as my own consideration has gone, it does not appear to me that any mischief could arise from the possession of that power by the House of Commons.

145. In case the House of Commons became invested with that power, by statute or otherwise, the Committee would wish to know in what way its discretion in the exercise of it should be limited, or might with safety be limited; or whether it would, in your opinion, be better that we should take it with an unlimited discretion, and exercise it from time to time as circumstances might seem to require?—I should certainly think that the latter would be the better course to pursue. It would appear to me to be extremely difficult to define beforehand by statute every particular occasion on which the power should be possessed.

146. It has been suggested that the House of Commons might possibly be supposed to have an inherent right to that power, and could exercise it under a Standing Order; is that your opinion?—I have had an opportunity of looking over the evidence which has been given by Sir Thomas May, and as far as I have read it, my opinion concurs with the opinion that he has given. The information contained in his evidence, as far as I am aware, is correct; and I think that the conclusion at which he has arrived in point of opinion, that the House has taken so many steps against itself in this matter, that it would be difficult for it to assert an inherent right to this power at the present time, is a sound one.

147. Then I conclude that you are of opinion that the proper course to be adopted would be for this Committee to report its opinion to the House, and that we should proceed by way of a Bill, if at all?—That is a matter for the deliberate consideration of the Committee. I think the power of examining witnesses on oath is a power which the House ought to possess, and I think that that would be the proper course to take to obtain it. How the House having lost that power, has met with difficulties in regaining it, it is not very difficult to judge. Perhaps the exercise of that power by the House in the time of the Commonwealth made it more difficult for it to assert the right to it afterwards. As the House of Commons has increased in substantial power, it is not improbable that anything which appeared to give superior dignity to the House of Lords may have been retained with rather more tenacity by that House. The manner in which Messages were communicated between the two Houses, and some circumstances which have arisen in connection with it, afford rather a striking illustration of the feeling, which, not very long ago, existed between the two Houses. The House of Lords always sent its Messages by two Masters in Chancery; but if the House of Commons had to send a Message, or if any Member had charge of a Bill which had passed the House of Commons, and which had to be taken to the House of Lords, it was necessary that he should

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obtain the assistance of seven other Members to accompany him to the Bar to deliver the Bill. That went on for a long time, and I remember that when I myself first became a Member of the House of Commons, I used constantly to be asked to form one of this delegation to take Bills up. Sometimes gentlemen waited a long time before they could get seven other Members to walk up with them with a Bill to the House of Lords. That practice, as you are aware, was altered in the first instance by the number of seven Members being reduced to five, and it is now reduced to a communication between the Clerks of the two Houses. I could mention a case to the Committee, which, in a few words, would exhibit the feeling which occasionally betrayed itself between the two Houses. Members were sometimes kept a long time waiting at the door of the House of Lords. Mr. Burke made a complaint that he had been kept waiting for three hours at the door of the House of Lords. This was in the year 1772, June the 3rd, on the occasion of a Corn Bill coming down from the Lords with an amendment, "That no bounty should be paid on exported corn." This was considered a violation of the privileges of the Commons. It was moved, To disagree with the amendment. "Mr. Whitworth, though desirous of a good understanding between the two Houses, must regard this as a violation of their privileges." It was then urged by several Members, "That no good understanding did subsist between the two Houses, and that they ought therefore more to resent this affront and injury." Mr. Burke.—"Had gentlemen any feeling for the honour of this House; would they submit to the disgrace of being kept three hours in the lobby of the House of Lords among their Lordships' footmen? Sir, this has been my fate, when ordered by the House to carry their Bills to the Lords. Can liberty exist for a moment if we allow them to lay their sacrilegious hands on this holy of holies, this palladium of the Constitution, the power of the people to tax themselves?" The Bill was rejected, *nem. con.* The Speaker, Sir Fletcher Norton, upon this declared he would do his part in the business, and tossed the Bill over the table, several of the Members on both sides of the question kicking it down the floor as they went out. This, I believe, is the last instance of a Bill being kicked out of the House. I mention this to the Committee as an illustration of the feeling that, up to rather late times, existed occasionally when a little anger was excited between the two Houses upon slight points.

148. I presume that the Committee only gather from these interesting recollections of past practice, that, in your opinion, we should be careful how we should ask the assent of the House of Lords to an alteration touching our own privileges; not that there is any reason for apprehending the rejection of a reasonable measure?—I should think, myself, that so much good sense prevails in the present day, that if the matter was brought under the notice of the House of Lords, unless something occurs on their side of the question which has not presented itself to my mind, they would not, merely from a tenacious adherence to any ancient practice, object to a reasonable proposal to give to the House of Commons a power which has been found useful to themselves in regard to their own Committees and for effecting which they asked the concurrence of this House; because the change by which the power was given to Committees on Private Bills to administer oaths was for the convenience of the House of Lords as much as it was for the convenience of the House of Commons; and, indeed, the Bill for it was brought in by Lord Redesdale himself.

149. Sir *John Esmonde.*] Sir Thomas May stated that he would give a general power, by Act of Parliament, to administer oaths, either by the House itself, or by Committees; as regards the House, he would leave the exercise of it to the discretion of the House; and as regards the Select Committees, he would advise the passing of a resolution which would regulate the administration of oaths?—That would be a resolution by the House. I presume, after the House possessed that power, the House would by resolution, when it was necessary, direct the use of it. I imagine what you refer to must point to that.

150. Mr. *Walpole.*] I think what Sir Thomas May said in answer to another question was, that just in the same way as the House can now, upon a motion made for the purpose, direct that a Committee shall have power to send for persons, papers, and records, so it might, upon a direct motion, give the power to a Committee to examine upon oath; that, I suppose, is the kind of resolution which Sir Thomas May referred to?—I observe that he pointed out some inquiries partaking more or less of a judicial character, where the power would be

be properly delegated, and others where it was a mere question of an examination into opinions, and so on, to which it would not be so applicable. I believe that is the manner in which the House of Lords themselves now use it.

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151. You would probably think that it would be advisable to keep the discretion in the House as to when the power should be exercised, instead of the House tying itself up by any Standing Orders?—Yes, I think so, certainly; I think we have seen the advantage on many occasions of not tyng ourselves up too much by Standing Orders.

The Right Honourable the Viscount *Eversley* (attending by permission of the House of Lords); Examined.

152. *Chairman.*] I BELIEVE your Lordship presided in the Chair over the House of Commons in the interval between 1839 and 1857?—Yes, for about 18 years, with the exception of a very few days.

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153. And during that time, especially as well as at other times, no doubt you have had great opportunities of forming an opinion upon the subject which has been referred to this Committee as a matter of inquiry?—Yes.

154. The Committee would be desirous of knowing whether you have any opinion or suggestion to offer, as to a change in our mode of procedure, with reference to the examination of witnesses on oath?—I have often had opportunities of considering the subject, and it has always been a wonder to me that the House of Commons has never made an attempt before to pass a Bill with the object of enabling them to examine witnesses on oath. I have seen the inconvenience of the House of Commons not having that power; and we can look back to old precedents, in which the House of Commons was obliged to have recourse to most irregular, and, as I believe, illegal practices, to obtain the examination of witnesses on oath, by appointing Members, who were magistrates for Middlesex, to swear witnesses, which shows the necessity of it, and I am afraid the House cannot claim to possess the power by inherent right, without a statute.

155. We understand it to be your opinion that it would not be desirable that we should attempt to exercise that power by passing a Standing Order, or by any assertion of inherent authority?—Certainly not.

156. May I ask your Lordship, in what class of cases, without troubling you with too many particulars, your experience has led you to think that inconvenience has arisen from a want of that power?—I think in all cases where punishment would follow an inquiry, that inquiry ought to be upon oath.

157. In such a case as a Bill of Attainder?—Yes, on a Bill of Attainder.

158. Or a Bill of Pains and Penalties?—Yes, or even when a person is to be punished for tampering with a Petition, or anything of that sort, I think the inquiry ought to be upon oath before the House acts upon it.

159. That is to say, as I understand your Lordship, a breach of privilege would involve a question of fact, leading to the exercise of the authority of the House in vindication of its own dignity, it is desirable that the fact should be established by sworn testimony?—Certainly.

160. I believe during your Speakership no question was raised as to the conduct of a Judge of such a nature as would lead to a joint Address to the Crown?—No; but that is just a case where, I think, it would be most important to have the power, so that, previous to the House of Commons agreeing to any address for the removal of a Judge, the conduct of the Judge should be inquired into upon oath.

161. In the well-known case of Justice Johnson, had it proceeded to a trial at the Bar, do you think that inconvenience would have arisen from the impossibility of establishing the facts by sworn testimony if they had been contested?—I think it might have arisen; at all events, I think Evidence which is given under the sanction of an oath is entitled to more respect than that which is given without that sanction. It appears to me that in all cases of so grave a nature, it is desirable that the proceedings which are to form the foundation of an Address, or of any further proceedings on the part of the House, should be based upon evidence given upon oath.

162. That is, where they affect character or liberty; but would you go the length of applying it to property; for instance, when a corporation whose property is proposed to be taken away desire to be heard at the Bar, and to

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produce evidence, do you think that that evidence should be taken on oath?—Certainly.

163. Then with regard to Committees, is it your opinion that the House should have the power of delegating the authority to administer oaths to Committees when it saw fit?—Under certain restrictions. I think all the House of Commons should do would be to pass a Bill to enable the House or its Committees to examine upon oath; but I would restrict the power of the Committees to examine upon oath by a Standing Order. The House of Lords has done something in that direction. Formerly the Committees of the House of Lords examined upon oath in all cases; now they do not examine upon oath in cases where a witness is asked for an opinion, but they examine upon oath where it is necessary to bring out a fact. Private Bill Committees can examine upon oath in both Houses, but in the House of Lords a public Committee has no authority to do so without a special Order of theHouse.

164. Must there be a special Order in each case?—Yes.

165. Is there any Standing Order of the House of Lords which defines the class of cases in which Committees shall examine upon oath?—No; that is left to the discretion of the House to decide.

166. Do you anticipate that any objection could reasonably be urged against the House of Commons getting this power?—It is difficult to say; but I really do not anticipate any objection at all, because I think it is such a reasonable proposiion. I think it was a great mistake, when the Grenville Act was passed, that the House of Commons did not pass a Bill simply to enable them to examine on oath, even if they had themselves confined that examination on oath to the trial of Election Petitions. That would have been far better than passing the Grenville Act, conferring the power of examining on oath only upon a limited tribunal; so that whenever there was any alteration required in that tribunal, it was necessary to apply to the House of Lords to assist in giving the power of taking evidence on oath to the reconstituted tribunal.

167. Mr. *Disraeli*.] Do you think that the taking evidence upon oath might have a tendency to increase the business of the House of Commons?—I cannot see how it could.

168. Colonel *Wilson Patten*.] Could you refer the Committee to any debate, or any other procedure, where the examining of witnesses upon oath has been discussed, and any objection has been raised to it?—No, I am not aware of any. The last Bill which was passed bearing upon this subject, namely, the Bill to enable Committees on Private Bills in both Houses to examine on oath passed the House of Lords, I believe, almost *sub silentio*, and it would be in the House of Lords alone, probably, that you would have an objection raised, if at all. As far as I remember, in the debates on the Grenville Act, no objection was raised against the examination of witnesses on oath at the time of the passing of that Act.

169. *The Lord Advocate*.] What is the practice of the House of Lords with regard to Hybrid Bills?—Hybrid Bills ought to share the fate of Private Bills, because they are really Public Bills affecting private property; and inasmuch as they affect private property, it seems to me that the examination should be upon oath, which I believe to be the practice of the House of Lords. Unfortunately, as the Act is drawn, at present it would be difficult, I think, for the House of Commons to examine upon oath in the case of Hybrid Bills, because the Act distinctly applies only to Private Bills; but I think it is quite as important that there should be a power of examining witnesses upon oath in the case of Hybrid Bills as in the case of Private Bills, because a vast quantity of property may be taken by a Hybrid Bill.

170. Colonel *Wilson Patten*.] The reason for these Bills being treated as Hybrid Bills, that is, as partly Private Bills and partly Public, is solely to give the parties interested in the property affected by those Bills the power of being heard before their property is taken?—Precisely.

171. Mr. *Bouverie*.] Do I rightly understand that it is not the practice now in general Committees to examine witnesses upon oath in the House of Lords?—Yes, it is not done unless the Committee is specially authorised by the House; whenever there is a Committee appointed upon any grave matter upon which the House thinks it right that the evidence should be taken upon oath, then at the time the Committees are appointed the House gives them the power of examining witnesses upon oath, but that is an exceptional case.

172. That

172. That is upon motion; there is a motion made, I suppose, that the power be given, and the question is put to the House?—Yes.

173. Any Committee inquiring into matters inculpating a particular person, or inquiring into particular charges, would have power to examine witnesses upon oath, I presume?—Yes; and if a Committee found a difficulty with regard to any particular witness, or if they thought it was important that an examination should be upon oath, in that case they would apply to the House for power to examine upon oath.

174. *Chairman.*] Is there any suggestion with which your Lordship can favour us as to the limitations, if any, that we ought to introduce into the Bill in case this Committee should be of opinion that a Bill is desirable?—I do not see what limitations you could introduce into the Bill. I think the Bill should be merely to empower the House of Commons, and also Committees of the House of Commons, to examine witnesses upon oath; and I think it should be left to the future discretion of the House of Commons to judge how far that power should be exercised.

175. You think that there is no danger of exciting the jealousy of the other House by such a Bill?—Not at all. When the last Bill on this subject was introduced, the House of Lords had not a word to say against it.

A P P E N D I X.

Appendix.

EXTRACT from HATSELL'S "PRECEDENTS," Vol. II., pp. 151 to 162. New Edition, 1818.

CHAPTER.—"RULES OF PROCEEDING."

Section X.—"Whether the House of Commons can administer an Oath."

"1. ON the 12th of March 1609, it is referred to the Committee for Privileges to consider whether, in the hearing before them of a contested election for Bridgnorth, they can administer an oath.—On the 13th the Committee report that there is a difference of opinion amongst them upon this question, and therefore on the 14th it is left to be debated in the House; but nothing further appears upon the subject.

"2. On the 5th of June 1610, the King having, at the desire of both Houses, issued a proclamation that the Oath of Allegiance should be tendered to all persons, of what degree or quality soever, within the kingdom, the House of Commons are under some difficulty by what authority it should be administered to them. After some difference in opinion, it was conceived that 'since the law did authorise any two justices of the peace to minister 'it, and that in this House there were divers justices for the county of Middlesex, and 'that the local and peculiar service of any Member did not suspend or abridge his 'power as justice of the peace;' therefore, that the oath might be fitly and lawfully administered by them to such of the House as would voluntarily take it, enforcing no man unto it. Accordingly, on that day and the following days, several Members took the oath; it being read by Mr. Chancellor of the Exchequer, who appears to have been a justice of the peace for Middlesex.*

"3. On the 19th of April 1614, it is referred to the Committee of Privileges, to view precedents, and to consider of giving an oath by this House, concerning the returns of Members, and jurisdictions of this House; and Sir Dudley Digges moves, that if the Committee shall not find, by precedents, that the House have any such power, a Bill may be drawn for that purpose; and a Bill is ordered accordingly. There does not appear any Report from the Committee, or that the Bill was ever presented.

"4. On the 15th of March 1620, upon the Commons having complained to the Lords against Sir Giles Mompesson, as having been the author of several grievances, Lord Southampton moves, 'As the Lower House could not nor did take the examinations by them 'delivered to us, upon oath, that therefore the witnesses may be sent for, and sworn to 'their examination.' This motion was seconded by the Lord Chancellor Bacon, who adds, 'The oath is to be given publicly in the House, for it cannot be given at a Committee.'†

"5. On the 16th of March 1620, this doctrine is confirmed by Mr. Glanvylle, who says, in the House of Commons, 'This House hath no power to take an oath;' and Sir Edwyn Sandys adds, 'The Lords may take an oath; we cannot.'‡

"6. In

* "*See* particularly the 11th of June and the 3rd of July, and also the Lords' Journals of the 26th of May and 7th and 8th of June 1610."

† "*See* the Lords' Journals of the 15th, 16th, and 17th of March."

‡ "It appears from the Journal, that Sir Edward Coke was present, and took part in this debate. On the 5th of March 1623, Mr. Serjeant Glanvylle reports the case of the election for the county of Cambridge, where it had been attempted to introduce affidavits before the Committee: 'Touching the said affidavits, 'it was conceived by the said Committee, and so reported to the House, and ordered accordingly, That 'they ought not to be admitted or read as proofs, at this or any other cause, touching elections or returns 'for the Parliament; for that the affidavits are, for the most part, cautelously penned by the parties sworn, 'or by their counsel, expressing only part of the truth, to the advantage of that side which they favour; 'and the parties which make such affidavits are not seen to have their persons and qualities considered of, 'nor are cross-examined for the discovery of the whole truth: or if affidavits should be allowed, yet, to 'allow these affidavits taken before the Masters of the Chancery, for things not pertaining to that court, 'to be used as good proofs in Parliament, were derogatory to the honour and power of this House.—And 'it was publicly attested, by divers of the most antient Parliament men, now Members of this House, that 'in their first times of sitting in Parliament, no such course of affidavits in Chancery, touching Parliament 'business, was practised or heard of.—But this form is a mere novelty, and a late dangerous innovation, 'fit to be abolished.'—Glanvylle's 'Reports of Election Cases,' p. 84."

"When a Petition has been presented with an affidavit annexed, the House has ordered the affidavit to be taken off. So on the 15th February 1749, the House did the same from the Report of a Committee, who had taken in evidence an affidavit, which had been sworn to before a magistrate in the country: the House thought the rest of the evidence sufficient, or the Report should have been re-committed for taking the evidence of the person himself who had made the affidavit, or some other evidence to the same effect. *See* also 30th March 1678, a strong case; also 19th, 28th February 1701; 4th April 1757. But note the difference. [Mr. O.]"

" 6. In the case of the punishment of Floyd, for speaking defamatory words of the Elector Palatine, there is much debate touching the power of the House of Commons to administer an oath. See the Journal of the 30th of April 1621, and the beginning of May; and Sir Samuel Sandys's speeches on the 4th and 5th of May, and Mr. Hackwill's in the 2nd volume of Proceedings of the Commons, 1620-1, p. 21, 27, et ultra. See particularly the opinion of Sir Edward Coke, at the conference with the Lords on the 5th of May, in the 2nd volume of Proceedings of the Commons, 1620-1, p. 31.

" 7. On the 4th of December 1661, a message is sent to the Lords, to desire that certain witnesses may be sworn at their Lordships' Bar, in order to be examined before the Commons, upon a Bill then depending for making void certain fines levied by Sir Robert Powell. The Lords refer this message to their Committee of Privileges, to search for precedents; and on the 7th of December, they report, that they can find none to warrant such a proceeding. This is communicated to the Commons at a conference; and on the 13th of January, when this matter is heard by counsel and witnesses at the Bar, it does not appear that the witnesses were sworn.

" 8. On the 9th of November 1666, the Commons resolve, That the Lords be desired to name a Committee of their House to join with a Committee of this House, 'to the 'end' that the public accounts may be taken and examined upon oath.—The Lords, on the 12th of November, refer this to the Committee of Privileges, who report on the 16th.—And, on the 23rd of November, the Lords resolve toacquaint the Commons at a conference, 'That they are willing and ready to agree with them, but as to the manner, 'they do not find it warranted by the course of Parliament, that any Committee of Lords 'and Commons, upon any occasion, have had power given them to examine upon oath.' This conference is held on the 28th of November; and on the 10th of December the Commons insert a clause in a Bill then depending, to authorise the taking these accounts upon oath.

" 9. On the 3rd of June 1675, at a conference reported touching the disputes at that time subsisting betwèen the two Houses, on the subject of the Lords' Jurisdiction; the Lords say, 'The Lower House of Parliament are no court, nor have authority to admi-'nister an oath. or give any judgment.' In the reasons of the Commons, which are reported by Sir Thomas Lee on the 4th of June, the Commons say, 'Your Lordships do 'highly intrench upon the rights and privileges of the House of Commons, denying them 'to be a court, or to have any authority or power of judicature;' but the Commons take no notice of the other part of the Lords' assertion, 'That they have no authority to 'administer an oath.'

" 10. On the 24th of October 1678, upon the matter of the murther of Sir Edmonbury Godfrey, it is ordered, 'That the Justices of the Peace for the county of Middlesex, 'and city of Westminster, do withdraw, and take the examination of Mr. Oates upon 'Oath.' See also the 25th and 28th of October.

" 11. On the 18th of November 1678, the Commons send for the Chief Justice of the King's Bench, to administer an oath to Bedloe, who offers to give testimony. The Chief Justice Scroggs comes, and withdraws into the Speaker's chamber for that purpose.*

" 12. On the 15th of June 1715, it is ordered, 'That such Members of the Committee 'of Secrecy, as are Justices of the Peace for the county of Middlesex, do examine 'Matthew Prior, and †Thomas Harley, Esq.'

" 13. On the 27th of January 1715, such Members of the Committee of Secrecy, as are Justices of the Peace for the county of Middlesex, are empowered to examine, in the most solemn manner, such persons as are necessary to be produced as evidence upon the trial of the Earl of Winton. So on the 18th of June 1717, such of the managers of the trial of Lord Oxford, as are Justices, are empowered to examine the necessary witnesses in the most solemn manner. See the 12th of March 1719.

" 14. On the 12th of January 1720, at the Committee appointed to enquire into the affairs of the South Sea Company, such persons as the said Committee shall think proper to be examined, are to be examined in the most solemn manner.‡

" 15. On the 3rd of June 1721, a Committee appointed to enquire into the authors and publishers of a seditious libel, is to have power to examine in the most solemn manner. See the 16th of February 1722.

" 16. On the 13th of February 1721, it was proposed, That the witnesses, who were to be examined in the matter of the charge of Sir John Cope against Mr. Baron Page, should

* " *See* in Grey's Debates, vol. vi. p. 213, the particulars of what passed upon this occasion."

† " It appears from Mr. Walpole's report of this examination on the 19th of August, 'That Mr. Harley, 'before he was examined, was sworn by such Members of the said Committee as were Justices of the Peace 'for the county of Middlesex, and city of Westminster.'"

‡ " This is the first instance I have met with of the power given by the House in this form, without mentioning that it shall be executed by such Members as are Justices of the Peace for Middlesex or Westminster. *See* also the 19th of January 1720, where Members of the House are to be examined in this manner before the Committee."

Appendix.

should be examined at the Bar, in the most solemn manner. The previous question was moved and carried on a division of 144 to 142, against putting that question. See the 17th of April 1732, a similar proceeding on a Bill relating to the Derwentwater estate.

"17. On the 18th of December 1722, the House order, 'That such Members of the 'Committee appointed to inquire into the project, commonly called, The Harburgh 'Lottery, as are Justices of the Peace for the county of Middlesex and city of 'Westminster, do examine, in the most solemn manner, such persons as they think fit, on 'the said enquiry.'

"18. On the 24th of February 1724, the Committee appointed to draw up Articles of Impeachment against Lord Macclesfield are empowered to examine such persons as they shall think proper to be examined, in the most solemn manner.

"19. On the 18th of April 1729, this power is given to the Committee appointed to enquire into the state of the Gaols; and on the 15th of February 1731, and on the 7th of February 1732, to the Committee upon the affairs of the Charitable Corporation; and on the 15th of February 1732, to the Committee appointed to enquire into the affairs of the York Buildings Company.

"20. On the 3rd of March 1734, this power is given to a Committee of the whole House, to examine witnesses in the most solemn manner.* The Committee sat on the 31st of March; and on the 2nd of April, report that they had examined in the most solemn manner, and reported resolutions.

"21. On the 29th of March 1742, the Select Committee appointed to enquire into the conduct of Lord Orford, have power to examine in the most solemn manner. *See* the 29th of April, 5th and 21st of May, where Members of the House are to be examined by this Committee.

"22. On the 24th of March 1746, on a complaint that a person had been assaulted for a matter relating to Lord Lovat's trial, a Committee is appointed to examine into the matter of this complaint, and are empowered to examine in the most solemn manner.

"23. On the 7th of March 1757, a Committee, to whom it was referred to consider of several papers relating to the officers of courts of justice in England and Wales, is empowered to examine witnesses in the most solemn manner.

"Observations.

"The conclusion to be drawn from these Precedents is, that the House of Commons have not at any period claimed, much less exercised, the right of administering an oath to witnesses; not even in cases of privilege or of controverted elections, where their right of judicature was acknowledged, and on questions upon which they were admitted to be the sole Court competent to determine. Sir Edward Coke, at the time when he was the most strenuous in asserting the powers of the House of Commons, and would have gone as far as possible to extend its authority, says, in the debate upon Floyd's punishment on the 2nd of May 1621, 'No question but this is a Court of Record, and that it hath power of 'judicature in some cases. We have the power to judge of returns and Members of our 'House. We make a warrant to the Great Seal; therefore a power of record.' But he does not add, or even suggest, that it belongs to this Court of Record, or that it is necessary it should have the power to administer an oath. In all their proceedings, therefore, where the House of Commons have had occasion, as the grand inquest of the nation, to enquire into matters of public grievance, upon which they might afterwards found prosecutions, or which might be remedied by Act of Parliament, those enquiries appear, till towards the end of the last century, to have been made without the sanction of an oath. If the witnesses prevaricated, or delivered false evidence, the House of Commons had no other redress than to exercise the power of commitment, as for a breach of their privileges, or for a contempt of the court before whom the parties were examined. But in the year 1678, on the breaking out of the Popish plot, it was thought expedient, in order to give an appearance of greater weight to the testimony of the witnesses in that business, to direct certain Members, who happened to be justices of the peace for Middlesex and Westminster, to withdraw, and to take Mr. Oates's† evidence upon oath; and soon after

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* "This is the first instance that has occurred to me of this mode being used at a Committee of the whole House. There is another on the 13th of March 1744, of a Committee of the whole House, to inquire into the miscarriage of the Mediterranean squadron."

† "Oates was afterwards, in 1685, convicted of perjury, and a very severe sentence pronounced, and in part executed upon him,—a sentence so cruel and severe, that immediately after the Revolution, on the 6th of June, 1689, the House of Lords addressed the King to pardon him, and to discharge him from the remaining part of his punishment. The Commons wished to go farther, and having declared these judgments to be cruel and "illegal," order in and pass a Bill to reverse them.—A dispute arose between the two Houses, upon amendments made to this Bill by the Lords, the purport of which were, not to declare these sentences 'illegal' but 'unprecedented, and that the practice ought to be prevented for the time to come." Many conferences were held—for which see the entries in the Journals, particularly of the 13th and 26th of July, and 2nd of August 1689.—The Bill, from these differences, was lost.—The Lords had, upon the 31st of May, on a Writ of Error brought before them, affirmed the judgment.—*See* the protest upon that decision."

after the Lord Chief Justice of the King's Bench is desired to attend for this purpose; and he withdraws into the Speaker's chamber to administer an oath to Bedloe. It happens, unfortunately, for this first exercise of this extraordinary power, that it was on an occasion, in which I believe it is now no longer matter of doubt, but that the witnesses, particularly Oates and Bedloe, were most notoriously perjured: and that, whatever latent designs there might be at that time amongst the Papists, or to what lengths they had proceeded, the stories told by these two men, and by several others of the witnesses, were gross and palpable forgeries. This is indeed but one of many proofs, to show that, in the case of men not under the influence of religion or conscience, the sanction of an oath is really but of little avail. But were it otherwise, it has been much doubted, how far the act of these Justices of the Peace, or even of the Lord Chief Justice himself, could be justified upon any principles of law. Certain powers are by Act of Parliament given to persons in the commission of the peace, as well of enquiry as of punishment; in the exercise of these powers, they are authorised, in order to investigate the truth, to administer an oath to those who can give information upon the subjects of their jurisdiction; but this by no means extends to authorise those Justices to administer an oath in cases into which they have no power to enquire. And it has been the opinion of very able and eminent lawyers, not only that such a proceeding in Justices of the Peace is informal and nugatory, but that it is illegal; and that they are, under such circumstances, liable to a prosecution for an improper exercise of the powers vested in them; or, to speak more properly, for exercising powers not vested in them by law. This observation, if it has any foundation, applies to all the subsequent cases from the year 1715 to 1757, where the House of Commons gave directions to their Committees, to examine 'in the most solemn manner.' Not having themselves, as a House, the power to administer an oath (nor indeed would it make any difference if they had), it is impossible they can delegate such power to any of their Committees, or can legally authorise any of their Members to take an examination upon oath; and therefore there can be very little doubt but that these and all other similar instances were irregular, and had better been omitted. It is now near 60 years since this practice of examining, 'in the most solemn manner,' has been laid aside; and I flatter myself, that for a considerable part of that period, my endeavours, in instances where it has been often proposed, have not been wanting to prevent its being revived. The House of Commons have, in the course of that time, been engaged in many very great and important enquiries: They have had occasion to go into long and accurate examinations of witnesses, upon whose evidence have afterwards been founded some of the most important measures that ever occupied the councils, or interested the welfare of this country. The repeal of the American Stamp Act; the various regulations respecting the possessions in the East Indies; the commercial arrangements with Ireland and France; and the impeachment of Mr. Hastings; all arose out of examinations not taken upon oath; and there is no reason to suppose that these examinations had not, for their foundation, as great a degree of truth as if they had been taken 'in the most solemn manner.' An event happened some years ago, in which it was desirable that the manner of taking the evidence should be as solemn as the power of the court, and the circumstances of the case, would admit; and in that instance, if ever, the examination of the witnesses ought to have had the sanction of an oath. I mean, the examination of the physicians, touching the state of his Majesty's health. Much consideration was had, before this subject was moved in the House of Commons; and several previous consultations were held, in what mode this business might be so conducted, as that the real situation of his Majesty's health might be best ascertained. It was at first intended, in order to obtain this sanction of an oath, to propose that a joint Committee of Lords and Commons should be appointed to take the examination; in which case, as in former instances,* the witnesses would have been sworn at the Bar of the House of Lords. When this idea was laid aside, it was proposed to direct the Committee, appointed by the House of Commons, to examine the witnesses 'in the most solemn manner.' However, after great consideration, and looking into the several precedents, this plan was also abandoned; and it was thought most advisable, by those whose duty it was to bring this important matter before the House of Commons, that this examination should proceed, as the others I have just mentioned had done, in that manner in which the House of Commons were authorised to proceed by the practice of their ancestors; not liable to the objection that might have been made to the substituting any fictitious authority for the purpose of obtaining the sanction of an oath; though upon a subject which, in its consequences, involved the greatest and most important rights, as well of the Sovereign as of the people. Another instance has since occurred, in the year 1794, where the House of Commons appointed a Committee of Secrecy, to examine papers, laid before them by the King's command, relating to certain corresponding societies, associated for the purpose of establishing a convention of the people. Here too it was not thought expedient to apply to the House for any powers, to examine in the most solemn manner. I trust therefore that, the House of Commons having desisted now for so great a length of time, from taking any, even the most solemn, examinations 'upon oath,' it will never be proposed to recur to that measure again, as it is highly essential, in this, as well as in every other part of their conduct, that the House of Commons should not appear desirous of exceeding the limits of their acknowledged authority; or of going beyond those bounds which are set to their power by the law and constitution of the country."

* "*See* under title, 'Joint Committees of Lords and Commons,' in the third volume of this work."

REPORT

FROM THE

SELECT COMMITTEE

ON

WITNESSES (HOUSE OF COMMONS);

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
8 *July* 1869.

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Under 4 *oz.*